

1. Agenda

Documents: [AGENDA FEBRUARY 19.PDF](#)

2. Packet

Documents: [PACKET FEBRUARY 19.PDF](#)

3. Action Taken

Documents: [ACTION TAKEN FEBRUARY 19.PDF](#)



NOTICE OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

**February 19, 2013
6:00 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, February 19, 2013, at 6:00 p.m. in the 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. January 15, 2013**
- 5. STAFF REPORT**
- 6. ELECTION OF OFFICERS in accordance with Section 1.4.3 of the UDO**

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairperson shall have the power to take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

- 7. PUBLIC HEARING**

7A. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: Text amendments of the Unified Development Ordinance, Section 4.25 Wireless Telecommunications Facilities



The proposed text amendments are intended to provide an updating of the code reflective of newer technology and standards to ensure access to reliable wireless telecommunication services throughout Chino Valley. The following sections are proposed for text amendments:

1. Section 4.25A. Purpose
2. Section 4.25D. General Requirements
3. Section 4.25E. Permitted Uses
4. Section 4.25F. Conditional Use Permits
5. Section 4.25G. Minimum Setbacks and Separation
6. Section 4.25H. Buildings or Other Equipment Storage
7. Section 4.25I. Co-Location
8. Section 4.25K. Nonconforming Uses
9. Adding Section 4.25L. Notice

7B. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: The application for a Conditional Use Permit (CUP) for a wireless communication tower, 99-foot in height. Clear Blue Services, which is representing AT&T, is requesting the CUP to construct a new wireless communication tower located at 2655 North State Route (SR) 89 (Assessor's Parcel Number 306-14-021C). The site is located on the east side of SR 89 approximately 600 feet north of the Road 3 1/2 North alignment and consists of approximately one acre.

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
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).

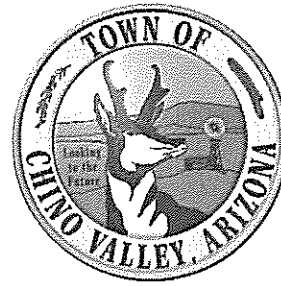
Chairman Rice closed the public portion of the meeting.

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.

Date

ITEM

7A



Town Manager's Office

Date: Monday, February 11, 2013

Re: **4.25 Wireless Telecommunications Facilities** – proposed text amendments

Commission –

After further review and with input from the Commission at the last meeting, I've endeavored to offer some additional changes to the Wireless section of the code. Many of the proposed changes follow our earlier discussions, but I have also:

1. Modified the organization (structure) of the code section to make it easier to group and discuss different types of wireless facilities, and
2. Added the ability for the administration approve certain types of projects that are 100% compliant with expressed design requirements in the code section, and
3. Clarified that for those design proposals that do not meet the requirements of the code, a Conditional Use Permit is required.

In general, the following changes have been offered (these are listed in number and order as they appear in the section outline of the Code Draft attached):

- A. **Purpose** – language has been added to reinforce the need to have homogenous coverage within out locality, and to offer a stronger legal basis for regulating the land use without treading on typical 'hot button' language that has gotten other localities in trouble in the past.
- B. **Definitions** – Some terms that are not useful to the code section have been deleted, and "Concealed Wireless Facility", "Disguised Wireless Facility" and "Visible Wireless Facility" have been added. These terms provide a way to organize our thoughts and code restrictions on the wireless facility use, and have been employed in the proposed code to help organize our efforts to control the use while also providing staff some flexibility to process some wireless facility types administratively.
- C. **Applicability** – minor alterations in language have been offered for clarity.
- D. **General Requirements** – elimination of the paint requirement for the FAA and language related to FAA height requirements has been deleted to create a condition where towers in excess of 199' are not possible within the town. Language was also offered to create clarity of the consequences should failure to comply with requirements result. Minor adjustments to identification signage and security fencing were added and a requirement for a rooftop access and security plan was introduced to ensure rooftop installations remained safe throughout operation. Lastly, planting survivability was added to maintain effectiveness of any required vegetative screening.
- E. **Permitted Uses** – this section underwent significant overhaul and was renamed to "ADMINISTRATIVE USE PERMITS".

January 29, 2013 |||

1. **General** – This section establishes that any wireless facility will require either an administrative use permit or a conditional use permit. As discussed in our meeting, some well defined and compliant wireless proposals should be approved administratively – and exceptions to that (where the applicant is asking for something special or contra to our standing code) should go to P&Z and Council under a Conditional Use Permit process.
2. **Permitted Uses, all zones** -- Provides for administrative approvals for facilities on public lands, with a provision for public hearing and Council action if setbacks are not observed. We struck (deleted) treatment of wireless proposals in Industrial Zones from this section to deal with it later in a better organized fashion.
3. **Permits, Information Required & Design Elements** – This section was modified with new language to address the intent of the code as well as to clearly state that a permit is required for every wireless facility, and facilities may be grouped into three categories (Concealed, Disguised, and Visible). This section also requires that site plans must be approved and kept on file and amended as necessary for subsequent actions on the use or alterations at the site. The 'Information Required' section was inserted here (it was taken from another location in the existing code language and moved here), and additional requirements were added to it related to photosims and alternate site analysis reports. 'Factors considered in granting Conditional Use Permits' was also enhanced with additional points inserted at sub - parts I, ii, iii and iv.
4. **Concealed Wireless Communications Facilities** – This section was added to provide more specific direction on how a wireless proposal that is completely concealed from view might be processed administratively. The section indicates where such facilities are allowed, and clearly indicates the design parameters/guidelines necessary to allow the project to be reviewed administratively. Should the applicant fail to meet all the required guidelines for administrative review, the project is presented to P&Z and Council as a Conditional Use Application.
5. **Disguised Wireless Communications Facilities** -- This section was added to provide more specific direction on how a wireless proposal that is camouflaged, but visible, might be processed administratively. The section indicates where such facilities are allowed, and clearly indicates the design parameters/guidelines necessary to allow the project to be reviewed administratively. Should the applicant fail to meet all the required guidelines for administrative review, the project is presented to P&Z and Council as a Conditional Use Application. There are more restrictions present for this type of proposal because it has more visual impact and could create more negative impacts for the community. Specific direction is given to common forms of stealthing/camouflage, which should provide guidance to staff should an uncommon stealth/camouflage proposal surface in the future.
6. **Visible Wireless Communications Facilities** -- This section was added to provide more specific direction on how a wireless proposal that is completely visible might be processed administratively. It restricts the location of visible wireless

facilities to commercial and industrial zones, and clearly indicates the design parameters/guidelines necessary to allow the project to be reviewed administratively. Should the applicant fail to meet all the required guidelines for administrative review, the project is presented to P&Z and Council as a Conditional Use Application.

7. **Equipment Enclosures, Support Equipment and Structures** – This section describes the requirements for supportive equipment that is present at wireless communications facilities. This section applies to all wireless facilities, unless the equipment is housed inside an existing structure and completely concealed.
- F. **Conditional Use Permits** – This section was modified to specifically indicate requirements for any permit applications that must go through a Conditional Use Process. It also requires that Conditions of Approval associated with Conditional Use Permits must be incorporated into the building permit inspection process and must be satisfied prior to a certificate of occupancy being let (or final inspection sign-off)
- G. **Minimum Setbacks and Separation** – this section was adjusted to allow for pre-engineered towers that contain fail-points. Should the applicant elect to use this technology, reduced setbacks may be available to the applicant for siting the facility. Restrictions to this do apply and are cited specifically. A request for relief from the remaining setback requirements would trigger a Conditional Use Permit process in front of the P&Z and Council.
- H. **Buildings or Other Equipment Storage** – this section was retained and modified slightly to indicate residential, commercial and industrial height limits for equipment shelters.
- I. **Co-Location** – elements of this section were stricken because they intrude too far into the private business relationships between landlords and potential tenants. Language relative to good faith negotiation and resolution of negotiation conflicts was also removed, as it has nothing to do with the land use decision at hand.
- J. **Removal...** -- this section was left largely intact
- K. **Pre-Existing and Non-Conforming Uses** – additional language was needed for clarity to define regular maintenance, and an explanation of 'Like for Like' was included to provide guidance. It is an advantage for a community to allow non-conforming facilities to be considered for modification or co-location, as the process provides an opportunity for the standing non-conformity to be brought closer to conformity with the code. Likewise, re-building such a facility presents opportunities to adjust site design to create more conformity.
- L. **Notice** – this section was added, to ensure adequate contact information is kept on record at the Town, should an even arise where immediate contact with the wireless facility owner is needed. It also provides for a small sign with appropriate site identification and contact information to be present should on-site personnel need to make emergency contact with the wireless facility owner.

4.25 WIRELESS TELECOMMUNICATIONS FACILITIES

A. **PURPOSE** The purpose of this section is to establish general guidelines for the siting of **wireless communications facilities**, 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.
2. Protect residential areas and land uses from potential adverse impacts of wireless facilities, towers and **antennas**.
3. Encourage the location of wireless facilities, towers and antennas in non-residential areas.
4. Minimize the total number of towers throughout the community.
5. Strongly encourage the joint use of new and existing wireless facility and tower **sites** as a primary option rather than construction of additional single-use towers.
6. Encourage users of wireless facilities, towers and **antennas** to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
7. Encourage users of wireless facilities, towers and **antennas** to configure them in a way that minimizes the adverse visual impact of the wireless facilities, towers and **antennas** through careful design, siting, landscape screening, and innovative camouflaging techniques.
8. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
9. Ensure public health, safety, welfare and convenience.
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 wireless facilities, 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

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**, **towers** or **wireless facilities**.

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.

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.

CONCEALED WIRELESS FACILITY means a wireless facility that cannot be directly seen because it is enclosed within a structure or screen that completely precludes it from direct view.

DISGUISED WIRELESS FACILITY means a wireless facility that can be directly observed but uses an **ALTERNATIVE TOWER STRUCTURE** or alternative site design or materials in such a way as to make the identification of the use not readily apparent to the casual observer.

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

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.

PREEXISTING WIRELESS FACILITIES, TOWERS AND ANTENNAS means any wireless facility, tower or **antenna** for which a building permit has been properly issued prior to the effective date of this **Ordinance**, including permitted wireless facilities, 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.

VISIBLE WIRELESS COMMUNICATION FACILITIES means wireless facilities that are immediately identifiable to the casual observer, with no incorporation of **ALTERNATIVE TOWER STRUCTURES** or alternative designs or materials to obscure the use from a casual observer.

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 WIRELESS FACILITIES 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 wireless facilities, towers and antennas** shall comply with the requirements of this Section.
 - 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. Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this code section.

D. GENERAL REQUIREMENTS

1. **Principal or accessory.** Wireless facilities, **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 a wireless facility, **antenna** or tower on such lot.
2. **Lot size.** For purposes of determining whether the installation of a wireless facility, 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, towers or wireless facilities** may be located on leased parcels within such lot.
3. **Inventory of existing sites.** Each applicant for a wireless facility, **antenna** and/or tower shall provide to the **Development Director** an inventory of its existing wireless facilities, 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 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 Director** is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. **Aesthetics.** Wireless Facilities, Towers and **antennas** shall meet the following requirements:

- a. Towers shall either maintain a galvanized steel finish or 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.
- c. If an **antenna** is installed on a structure other than a tower, the **antenna, attachments** 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, attachments** and related equipment as visually unobtrusive as possible.

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.

5. **Lighting.** Towers shall not be artificially lighted.

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 and 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 wireless facilities, towers and **antennas**. If such standards and regulations are changed, the owners of the wireless facilities, towers and **antennas** governed by this chapter shall bring such wireless facilities, 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 wireless facilities, 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 wireless facility, 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. Town may require permit holders to perform regular inspections and formally report to the Town the compliance of the structures (with applicable standards as required by staff). 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 wireless facility, 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. In the event that terrain problems prevent an accurate determination of height, the Development Director shall rule as to height and appeal from that decision shall be to the **Board of Adjustment**.
9. **Not essential services.** Wireless facilities, 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 wireless facilities, 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 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 a wireless facility, tower or **antenna**, or on any portion of the premises leased for wireless telecommunication use, with the exception of site identification and emergency contact signage as indicated within this code.
13. **Buildings and support equipment.** Buildings and support equipment associated with **antennas, towers or wireless facilities** shall comply with the requirements of this **Ordinance**.
14. **Co-location and multiple antenna/tower plan.** The **Town** encourages wireless facility, tower and **antenna** users to submit a single application for approval of multiple wireless facilities, 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.** Wireless facilities, towers and antennas (and where applicable to rooftop installations) shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height. Fencing shall be constructed of chain link or block or masonry (as directed by staff and/or approved by Council), and tower structures shall be equipped with appropriate anti-climbing devices. For rooftop installations, applicants may substitute a security and access management plan which demonstrates how access and security will be managed on site to preclude general access to the facility; The **Town Council** may waive such requirements related to security fencing as it deems appropriate.
16. **Landscaping.** The following requirements shall govern the landscaping surrounding wireless facilities and towers; provided, however, that the **Town Council** may waive such requirements if the goals of this Section would be better served thereby.
 - a. Towers and wireless facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residentially zoned

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

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.

- b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- c. Existing mature plant growth and natural landforms on the site shall be preserved to the maximum extent possible.

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

E. ADMINISTRATIVE USE PERMITS

- 1. **General.** The uses listed in this section are deemed to be permitted uses and shall require an administrative use permit or a **conditional use permit**.
- 2. **Permitted uses, all zones --** The following uses are specifically permitted in any Zone via administrative use permit. All such uses shall be fully compliant with Town design requirements for antennas, towers and wireless facilities as enumerated in code:

- a. **Antennas, towers or wireless facilities** located on property owned, leased, or otherwise controlled or managed by the **Town**; provided, however, a license or lease authorizing such wireless facility, **antenna** or tower has been approved by the **Council**. No such license or lease shall be issued for a wireless facility, tower or antennas 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.
- b. All other wireless facilities, towers or antennas require use or conditional use permits as enumerated and regulated within this section

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.

3. Permits, Information Required and Design Elements.

- a. **Intent:** The intent of the following development standards is to improve the design and placement of new Wireless Facilities, towers and antennas, as well as the modification of such facilities, towers and antennas in order to reduce the impact on the visual and aesthetic character of the community. The standards are designed to: Encourage the use of concealment technology; minimize the construction of new towers through the promotion of co-location on existing Wireless Facilities, buildings or other structures; ensure continuous maintenance of Wireless Facilities and enforce the timely removal of any unused or outdated facilities; and regulate the use of temporary Wireless Facilities. A Wireless Facility may be Concealed, Disguised or Visible.
- b. **Permit and Information required.** Use Permits (Administrative or Conditional) are required for this use and a plan must be approved or

amended by the Development Department to reflect any additional antennae, microwave dishes, or attaching apparatus or a change in support structure or expanded area for support equipment. A site plan amendment is not needed to make changes to equipment that is fully enclosed within an equipment shelter that was included on a previous site plan approval. No site plan for a new or amended Wireless Facility, tower or antenna shall be approved unless the support equipment is located entirely within an equipment enclosure or equipment shelter that is architecturally compatible with the surrounding area. Applicants for **any use permit** (administrative or conditional) for a wireless facility, antenna(s) or 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 adjoining properties, 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 Director** to be necessary to assess compliance with this article.
 - ii. The setback distance between the proposed tower and the nearest 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.
 - v. A description of compliance with applicable zoning code subsections and all applicable federal, state or local laws.
 - vi. A notarized statement by the applicant indicating that the construction of any tower will accommodate **co-location** of additional **antennas** for future users.
 - vii. Two photosimulations from the 2 nearest intersections of public rights of way or public lands.
 - viii. 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 statement of compliance with Federal Communications Commission (FCC) Radio Frequency (RF) exposure standards.
- c. 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

Comment [RS10]: Useful to subsequent wireless applicants as they search for collocation opportunities.

Comment [RS11]: 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 [RS12]: This requirement should always be included in a CUP application

Comment [RS13]: 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 [RS14]: 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.

Comment [RS15]: We have a noise nuisance code on the books that governs this, and should be good enough for wireless facilities too.

Comment [RS16]: We want the ability to consider all of these factors in any order of priority we deem appropriate for the proposal

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. The consistency of the request with the context of the surrounding area;
- ii. The design of a Disguised Wireless Facility must be compatible with the architectural character and natural features of the site or development;
- iii. The placement of the Wireless Facility on the lot or parcel and its potential effect on expanding existing or developing future land uses;
- iv. The cumulative effect that existing Wireless Facilities in the vicinity of the site may have on the request;
- v. Height of the proposed tower.
- vi. Proximity of the tower to residential structures and residentially zoned district boundaries.
- vii. Nature of uses on adjacent and nearby properties.
- viii. Surrounding topography.
- ix. Surrounding tree coverage and vegetation.
- x. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- xi. Proposed ingress and egress.
- xii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in this **Ordinance**.
- xiii. 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.

Comment [RS17]: 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.

4. Concealed Wireless Communication Facilities. Concealed Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this code section. Other Concealed Wireless Facilities are permitted in all zoning districts, subject to the following standards:

- a. When there is more than one underlying zoning district, the more restrictive regulations shall apply. Concealed Wireless Facilities are permitted on residentially zoned properties as follows:

(1) Public/quasi-public spaces—Concealed Wireless Facilities are permitted on residentially zoned property that are designated or used for public or quasi-public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities, subject to obtaining an administratively approved use permit pursuant to the design guidelines herein and other provisions contained in the Zoning Ordinance. Failure to comply with applicable design guidelines and other required provisions in the Zoning Ordinance will mandate that the proposed Wireless Facility be processed as a Conditional Use Permit.

(2) Open space residential tracts—Concealed Wireless Facility are permitted in tracts within residential subdivisions that are zoned or platted for open space or retention areas, subject to obtaining an administratively approved use permit pursuant to the design guidelines herein and other provisions contained in the Zoning Ordinance. Failure to comply with applicable design guidelines and other required provisions in the Zoning Ordinance will mandate that the proposed Wireless Facility be processed as a Conditional Use Permit.

b. Design guidelines. A site plan must be approved by the Development Department demonstrating that the proposed Wireless Facility meets the definition of "Concealed. Site plans for Concealed Wireless Facilities must demonstrate the following in order to be administratively approved:

(1) The antenna is fully enclosed, screened or obscured so that it is not visible at all or, if visible, it is not recognizable as a Wireless Facility to a casual observer; and

(2) The antenna does not extend more than twelve (12) inches from the building or structure to which it is attached; and

(3) The underlying zoning district must allow the structure being utilized to support the antenna and the support structure; and

(4) The Concealed Wireless Facility and its support structure shall comply with the setback requirements of the underlying zoning district or, if located in a sign, by the standards contained in the Zoning Ordinance; and

(5) The support equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area, completely screened from view, and built in compliance with the standards outlined in the Zoning Ordinance; and

(6) A Wireless Facility concealed as a flagpole shall be required to fly a flag in compliance with the accepted protocol for the type of flag flown. The flag and pole shall be visible from the building entrances used by the public. The diameter of the pole structure must not exceed twenty-four (24) inches; and

(7) The installation of a Concealed Wireless Facility should be done in a manner that minimizes the removal of mature vegetation or the disturbance of natural vegetation.

5. Disguised Wireless Communication Facilities. Disguised Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this code section. Other Disguised Wireless Facilities are permitted in all zoning districts, subject to the following standards:

a. When there is more than one underlying zoning district, the more restrictive regulations shall apply. In addition, Disguised Wireless Facilities must comply with the following design requirements in order to be administratively approved, otherwise, a Conditional Use Permit is required:

(1) Maximum height—Sixty-five (65) feet in height from natural grade to the highest point of the pole or support structure for all Disguised Wireless.

(2) Required setbacks—The following minimum setbacks are required for Disguised Wireless Facility:

(a) From another property zoned for residential purposes:

(i) Disguised Wireless Facility—Except as described below, a minimum of one hundred fifty (150) feet setback is required from another property zoned for residential purposes. For purposes of this standard, land uses that are permitted in residential zoning districts, including those that are designated for public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities shall be considered "residential purposes".

The setback may be reduced to fifty (50) feet from a property that is zoned for residential purposes subject to obtaining a Conditional Use Permit pursuant to the Zoning Ordinance.

(ii) Wireless Facilities co-locating on public utilities—Except as described below, a minimum of one hundred fifty (150) feet setback is required from another property zoned for residential purposes. The setback from a property that is zoned for residential purposes may be reduced to a lesser distance or eliminated subject to obtaining a Conditional Use Permit pursuant to the Zoning Ordinance.

(b) From an adjoining property that is zoned for commercial or industrial purposes: No setback required except for perimeter landscape setback requirements.

(c) Streets: A minimum setback of twenty-five (25) feet from all public and private rights-of-way or access-ways, unless being located on a previously existing public utility pole or if a greater setback is required by the underlying zoning.

(d) Support structures or signs: The setbacks for any structure that is supporting a Disguised Wireless Facility must comply with the setback requirements of the underlying zoning district or the Zoning Ordinance if located on a sign.

(3) Restrictions on development in residential zoning districts—Disguised Wireless Facilities are permitted on residentially zoned properties subject to compliance with the above noted requirements and as follows:

(a) Public/quasi-public spaces—Disguised Wireless Facilities are permitted on residentially zoned property that are designated for public or quasi-public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities subject to obtaining a Conditional Use Permit pursuant to the Zoning Ordinance.

(b) Open space residential tracts—Disguised Wireless Facilities are permitted in tracts within residential subdivisions that are zoned or platted for open space or retention areas, subject to obtaining a Conditional Use Permit pursuant to the provisions contained in the Zoning Ordinance.

b. Design guidelines. A site plan must be approved by the Development Department demonstrating that the proposed Wireless Facility meets the

definition of "Disguised". The following minimum specifications shall apply to these types of Disguised Wireless Facility:

(1) Monopine or Broadleaf tree: A Monopine or Broadleaf tree must meet the following design guidelines:

- (a) The pole structure must be built of steel or fiberglass and clad with faux bark. The faux bark shall start at the base of the pole and continue to the height of the first branch attachment. The balance of the pole structure and the attachments must be painted to blend with the branches.
- (b) The diameter of the pole structure must not exceed thirty-six (36) inches at the base and shall taper to no greater than twenty-eight (28) inches at the top of the pole structure.
- (c) All cables must be concealed within the pole structure.
- (d) The branches must:
 - (i) Be constructed to a density of 2.5 branches for each one vertical foot of pole, and
 - (ii) Start attachment at no greater than fifteen (15) feet above finished grade and continue to the top of the pole, and
 - (iii) Be a minimum of eight (8) feet long around the circumference of the lower level and shall taper appropriately as the branches progress upwards.
- (e) The entire length of all antenna and their attaching apparatus shall be disguised by the branches and the antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.
- (f) Microwave dishes shall be limited to one (1) square foot in size and must be painted the same shade of green as the branches. The attaching apparatus must also be painted the same shade of green as the branches.
- (g) No more than four (4) microwave dishes are permitted on each Monopine or Broadleaf tree.
- (h) No climbing pegs are permitted on the pole structure.

(i) The installation of a Monopine or Broadleaf tree should be done in a manner that minimizes the removal of mature vegetation.

(2) Ball field light poles: Wireless Facilities may be added to legally existing or proposed Ball field light poles in compliance with the following design guidelines:

(a) The maximum allowable width of an antenna array is four (4) feet.

(b) The antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.

(c) The maximum allowable length of each antenna is ten (10) feet.

(d) The diameter of the pole structure must not exceed thirty-six (36) inches.

(e) The addition of a Wireless Facility to a Ball field light must not increase the height of the light structure by more than ten (10) feet.

(f) All cables must be concealed within the pole structure.

(g) Microwave dishes shall be limited to two (2) square feet in size.

(h) No more than two (2) microwave dishes are permitted on each Ball field light pole.

(i) All microwave dishes, antennas, and attaching apparatus must be painted to match the Ball field light pole.

(j) The installation of Ball field light poles should be done in a manner that minimizes the removal of mature vegetation.

(3) Water towers/tanks: Wireless Facilities incorporated into Water towers or Water tanks must meet the following design guidelines:

(a) The maximum allowable width of an antenna array is four (4) feet.

(b) The antenna shall not extend more than eighteen (18) inches from the structure to which it is attached.

(c) The maximum allowable length of each antenna array is ten (10) feet.

(d) The addition of a Wireless Facility must not increase the height of the Water tower/tank structure.

(e) All cables must be concealed within the support structure or fully enclosed within a cable shroud.

(f) Microwave dishes shall be limited to two (2) square feet in size.

(g) No more than two (2) microwave dishes are permitted on each Water tower or Water tank.

(h) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the Water tower or Water tank.

(i) The installation of a Water tower or Water tank should be done in a manner that minimizes the removal of mature vegetation.

(4) Existing public utility poles: It is encouraged that Wireless Facility be added to existing public utility poles, subject to the following design guidelines:

(a) Twelve kilovolt (12 kv) utility poles:

(i) The antenna shall not extend more than twelve (12) inches from the structure to which it is attached.

(ii) The maximum allowable length of all antenna added to a 12 kv utility pole is ten (10) feet.

(iii) The addition of a Wireless Facility to an existing public utility pole must not increase the height of the public utility pole by more than ten (10) feet.

(iv) All cables must be concealed within the public utility pole or a cable shroud.

(v) Microwave dishes shall be limited to two (2) square feet in size.

(vi) No more than two (2) microwave dishes are permitted on each public utility pole.

(vii) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the public utility pole.

(b) Sixty-nine kilovolts (69 kv) or larger utility poles or lattice-type tower structures:

(i) The maximum allowable width of an antenna array is four (4) feet.

(ii) The antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.

(iii) The maximum allowable length of each antenna is ten (10) feet.

(iv) The addition of a Wireless Facility to an existing public utility pole must not increase the height of the public utility pole by more than ten (10) feet.

(v) All cables must be concealed within the public utility pole or a cable shroud.

(vi) Microwave dishes shall be limited to two (2) square feet in size.

(vii) No more than two (2) microwave dishes are permitted on each public utility pole.

(viii) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the public utility pole.

6. Visible Wireless Communication Facilities. Visible Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this code section. All other Visible Wireless Facilities are permitted only in the Commercial and Industrial Zoning Districts and must comply with the following standards in order to be approved administratively:

a. When there is more than one underlying zoning district, the more restrictive regulations shall apply. In addition, Visible Wireless Facilities must comply with the following:

(1) Maximum height for Administrative Approvals —One Hundred (100) feet from natural grade to the highest point of pole or fifteen (15) feet higher than the height of the top of the building to which it is mounted (see also side mounted antenna height limitations below). Proposals in excess of the maximum height allowances above require a Conditional Use permit

(2) Required setbacks—The following setbacks are required:

(a) From another property zoned for residential purposes: A minimum of three hundred (300) feet setback is required. For purposes of this standard, land uses that are permitted in those residential zoning districts, including those that are designated for public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities shall be considered "residential purposes".

(b) From an adjoining property that is zoned for commercial or industrial purposes: No setback required except for any required perimeter landscape setback standards.

(c) Streets: A minimum setback of seventy-five (75) feet from all public and private rights-of-way or access-ways, unless a greater setback is required by the underlying zoning.

(d) Hillside: No Visible Wireless Facility shall be installed on a property in or within five hundred (500) feet of a sensitive viewshed, ridgeline or hillside.

b. Design guidelines. A site plan must be approved by the Development Department demonstrating that the proposed Visible Wireless Facility meets the following minimum specifications:

(1) The maximum allowable width of an antenna array is four (4) feet.

(2) The antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.

(3) The maximum allowable length of each antenna array is ten (10) feet.

(4) The diameter of the pole structure must not exceed forty (40) inches.

(5) All antenna cables must be concealed within the pole structure or a cable shroud.

(6) Microwave dishes shall be limited to two (2) square feet in size and must be painted the same color as the Visible Wireless Facility.

(7) No more than two (2) microwave dishes are permitted on each Visible Wireless Facility.

(8) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the Visible Wireless Facility.

(9) Antennae mounted on the side of a building shall be permitted subject to the following provisions:

(a) The antenna must not extend above the existing profile of the building or project more than twelve (12) inches from the building face.

(b) The antenna shall be integrated into the building design in a manner that respects the architectural style and coloring of the structure, considers the context and placement of the antenna on the structure, and minimizes its visual impact.

(c) Requests to exceed the established building profile shall be subject to securing a use permit in accordance with the provisions of Chapter 3 when demonstrated that the architectural element to which the antennae are attached is integrated with and in proportion to the building design.

(10) The installation of a Visible Wireless Facility should be done in a manner that minimizes the removal of mature vegetation or the disturbance of natural vegetation. To ensure compliance, the following shall be done:

(a) If required by the Development Department, a plant inventory of the Wireless Facility and equipment enclosure or shelter site (if no enclosure used) and a re-vegetation/salvage plan shall be submitted and approved at the time of site plan review; and

(b) Any trenching or site disturbance shall be re-vegetated to match the existing or natural vegetation, and

- (c) No protected plant species shall be disturbed during construction unless re-vegetated as part of an approved salvage plan.

7. Equipment enclosures, support equipment and structures. Wireless Facilities include different types and sizes of support equipment and accessory structures needed to accommodate each antenna. No site plan for a Wireless Facility shall be approved unless the following standards can be met:

- a. Not permitted—An equipment enclosure and all support equipment must not be located within the required perimeter landscape setback(s) of a development.
- b. Equipment enclosure—The following standards apply to equipment enclosures:
 - (1) Shall be screened primarily by a six (6) or eight (8) foot chain link fence, decorative solid block or masonry perimeter wall, as required by staff. Less than 5% of each wall facade may be constructed of alternative materials, including see through materials, as approved by the Development Department when deemed to be appropriate for security purposes.
 - (2) All entry gates visible from public streets or access-ways shall be constructed of sight-obscuring material approved by the Planning and Development Department.
- c. Equipment shelter—The following standards apply to equipment shelters:
 - (1) Maximum height permitted is eight (8) feet in residential zones, fourteen (14) feet in industrial and commercial zones, to be measured from finished grade or roof-top elevation of a supporting structure. Below grade shelters are permitted.
 - (3) An equipment shelter shall meet minimum setbacks on the lot or parcel.
- d. Ground-mounted cabinets—Ground-mounted cabinets shall comply with the following:
 - (1) Maximum area shall not exceed three hundred (300) square feet for a single wireless communication provider.

- (2) Maximum height permitted is eight (8) feet, to be measured from finished grade elevation.
- (3) Ground-mounted cabinets that are visible from a public street or access-way must be located within an equipment enclosure, equipment shelter or enclosed building.
- (4) Ground-mounted cabinets are not permitted to be constructed within the front yard setback of a residential zoning district.
- e. Other screening allowances—If the support equipment is screened from view from a public street or access-way, alley, or adjacent property by a permanent perimeter or interior wall, fence or structure that is permanent, no separate wall is needed around the equipment enclosure.
- f. Illumination—Equipment enclosures or shelters shall not be externally illuminated.
- g. Noise level—The average noise level of the support equipment, measured at any property line that is zoned for residential purposes, must comply with existing code requirements and nuisance abatement codes.

F. CONDITIONAL USE PERMITS

1. **General.** There is hereby created for this section only a **Conditional use permit** for Wireless Towers, Facilities and **Antennas** which may be granted by the **Town Council** as follows:
 - a. If the Wireless Facility, tower or **antenna** is not an administratively permitted use under 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**.
 - b. Applications for **conditional use permits** under this Section shall be subject to the procedures and requirements 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.

Comment [RS18]: 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 [RS19]: 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.

- 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**.
- 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.

G. MINIMUM SETBACKS AND SEPARATION

1. **Setbacks.** The setback requirements shall apply to all wireless facilities, towers and antennas as required in the code; provided, however, that the **Town Council** may reduce the standard setback requirements if the goals of this Section would be better served thereby. Requests for relief on setback requirements beyond the accommodations included in the code will result in the application being processed as a Conditional Use.

Comment [RES20]: THIS SECTION WAS RELOCATED TO THE BEGINNING OF THE ORDINANCE

H. BUILDINGS OR OTHER EQUIPMENT STORAGE

1. **Town Council** may reduce the standard building and equipment structure requirements if the goals of this Section would be better served thereby. Requests for relief on such requirements beyond the accommodations included in the code will result in the application being processed as a Conditional Use

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

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.

Comment [RS23]: The Town has no place in the private business decisions made between two private business parties. How would we enforce this?

Comment [RS24]: The Town has no place in the private business decisions made between two private business parties. How would we enforce this?

Comment [RS25]: The Carriers and the FCC do a pretty good job of managing this themselves...how would we enforce this?

I. CO-LOCATION

1. **Required.** Any new tower constructed in connection with an application under this Section shall be suitable for co-location. ~~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.~~
2. **Exceptions.** 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.
3. **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 WIRELESS FACILITIES, ANTENNAS AND TOWERS** Any wireless facility, **antenna** or tower that is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of such wireless facility, **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 wireless facility, **antenna** or tower within said

ninety (90) day period shall be grounds to remove the wireless facility, tower or antenna at the owner's expense. If there are two or more users of a single wireless facility, antenna or tower, then this provision shall not become effective until all users cease using the tower for the prescribed period.

K. PRE-EXISTING and NONCONFORMING USES

1. **No expansion of nonconforming use.** Wireless facilities and 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 wireless facilities, antennas and towers.** Preexisting wireless facilities, antennas and towers shall be allowed to continue their usage as they presently exist and shall be allowed to accommodate additional collocations to the tower site that are proposed in compliance with standing code and design requirements. Routine maintenance and the replacement of failed equipment with 'like for like' equipment shall be permitted on such preexisting (and possibly non-conforming) wireless facilities, antennas and towers as a permitted by right activity. "Like for Like" replacement shall include replacement of equipment with newer equipment that is in substantial dimensional conformity with the approved original equipment. Replacement equipment shall conform to site design requirements and any color or surface treatments required to ensure compatibility with the existing, standing wireless facility, antennas or tower. "Like for Like" maintenance shall not allow the introduction of additional equipment that is visible to the casual observer or was not approved in the standing permit for the wireless facility, antennas or tower. Maintenance and replacement of equipment that does not comply with the above "Like for Like" requirements will require permits and inspections. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.
3. **Rebuilding damaged or destroyed nonconforming wireless facilities, towers or antennas.** Notwithstanding other provisions of this Section, bona fide nonconforming wireless facilities, 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 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; 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 [RS26]: 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.

Comment [RS27]: 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.

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.

Comment [RS28]: The Town should get notice on changes of ownership

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 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 [RS29]: There needs to be emergency contact information on the facility should the need arise.

ITEM

7B



TOWN OF CHINO VALLEY, ARIZONA

PLANNING COMMISSION PUBLIC HEARING

FEBRUARY 19, 2013

STAFF REPORT:

February 11, 2013

Dava Hoffman, Planning Consultant
DEVELOPMENT SERVICES DEPARTMENT
1982 N Voss Drive #203 Chino Valley, AZ 86323

(928) 636-2646 fax (928) 636-2144

CUP-12-001: NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission of the Town of Chino Valley, Arizona, at the Town's South Campus Building located at 202 N. State Route 89, at 6:00 p.m. on Tuesday, February 19, 2013. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the application for a Conditional Use Permit (CUP) for a wireless communication tower, 99-foot in height, proposed to be constructed at 2655 N SR 89, APN 306-14-021C.

APPLICANT: Clear Blue Services, representing AT&T

OWNER: Mannix Holdings LLC

ENGINEER: Bechtel Communications, Inc

LOCATION AND SITE DESCRIPTION: 2655 North State Route (SR) 89 (Assessor's Parcel Number 306-14-021C). The site is located on the east side of SR 89 approximately 600 feet north of the Road 3 1/2 North alignment and consists of a leased area 30'x40' on approximately 1-acre in the Commercial Heavy (CH) zoning district. The site is adjacent to commercial zoning on all sides and across SR 89. (See attached Staff Report, November 6, 2012, Location/Existing Zoning Map)

The 1-acre site contains three existing commercial buildings and driveway access from SR 89. A 12 ft wide paved access and utility easement is to be provided to the leased area at the southeast corner of the site for the tower compound.

GENERAL PLAN DESIGNATION: Commercial (See attached Staff Report, November 6, 2012, General Plan Future Land Use Map)

NOTIFICATION & NEIGHBORHOOD MEETING: In compliance with the Citizen Participation requirements of the UDO, approximately 27 letters noticing the requested CUP were mailed. In response, the Town received several phone calls and one letter of opposition. (See attached Staff Report, November 6, 2012, Citizen Letter)

A Neighborhood Meeting was conducted by Clear Blue Services at the Town Council Chambers on October 29, 2012, with five citizens attending. The primary concerns expressed were in regard to the proposed tower's height and closeness to the highway, appearance and potential impacts on property values and health. The applicant's representatives addressed the concerns. For complete details of Neighborhood Meeting, see attached Staff Report, November 6, 2012.

BACKGROUND & ANALYSIS: At the November 6, 2012, Public Hearing of the Chino Valley Planning Commission, the request for a CUP for a 99' tall wireless telecommunications tower, was heard in combination with a request for a text amendment of UDO Sec 4.25.F.1.a, to revise the maximum tower height permitted from 65' to 99'. Both requests were tabled until the January 15, 2013 meeting in order to provide further updating of Sec 4.25 of the UDO. Discussions on draft amendments were conducted at the December 4, 2012 and January 15, 2013 meetings of the Planning Commission. For compliance with Public Notice statutes, the CUP request was rescheduled for the Planning Commission Hearing of February 19, 2013.

In both the existing UDO and the revised draft UDO Sec 4.25 E and F, a conditional use permit is required for a tower or antenna that is not located on property of the Town, or located on property that is not in an Industrial Zoning District, or for towers exceeding a height of 65 feet.

Since the proposed tower is to be located in the CH (Commercial Heavy) zoning district and is to exceed 65 in height, this Conditional Use Permit application is required.

It is the intent of AT&T to avoid proliferation of wireless communication towers through the requested maximum height increase to 99', which will mitigate the need for multiple sites required to fill the gaps for coverage in the AT&T network. The proposed tower's design is to use the latest technology for environmental compatibility with its surroundings, and with ample space for collocation for other wireless carriers.

The tower is to be constructed in a mono-pole design with equipment shelters, all within a 30'x40' leased space, screened by an 8ft high concrete block wall with a stucco finish. The mono-pole structure will be designed for a "fall zone" radius limited to 20-feet; meaning that in the event of a pole failure, the failure will occur at an elevation that is 20-feet below the top of pole. Therefore, AT&T is proposing to locate the tower 28-feet from the property line, which will be inside the stated "fall zone". This design information is provided in a letter signed and sealed by a Registered Professional Structural Engineer. (See Attachments to Staff report Nov 6, 2012, "Revised drawing of compound showing tower location and block wall"; and "Engineer's letter regarding break away tower")

FINDINGS AND RECOMMENDATIONS:

The Staff Recommendations that follow are based on Findings as required by Section 1.9.3 of the UDO:

1. That the CUP will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and
2. That the proposed use is reasonably compatible with uses permitted in the surrounding area.

Staff Recommendations for the CUP are contingent upon the results of the Commission's Public Hearing on the proposed text amendments to Sec 4.25 of the UDO. If such hearing results in the recommendation by Commission to the Town Council for adoption of the text amendments, then Staff recommends that Commission forward a recommendation for approval to the Town Council for the requested CUP for the proposed 99ft high wireless tele-communications tower, subject to the following Zoning and Engineering Conditions of Approval:

Zoning Conditions:

1. Applicant agrees that the approval of this Conditional Use confers no entitlements or rights to the owner or applicant other than those that are vested as a Conditional Use in the CH Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's UDO.
3. That the CUP is granted for an indefinite period of time, however upon initiation by the Planning Commission the Permit may be reviewed at any time and after conducting a Public Hearing the Commission may recommend that the Town Council amend, modify or revoke the CUP.
4. That if the tower is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of the tower shall remove the tower within ninety (90) days of receipt of notice from the town notifying the owner of such abandonment. Failure to remove an abandoned tower within said ninety (90) day period shall be grounds to remove the tower 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 (Section 4.25 J).

Engineering Conditions:

1. The applicant shall receive approval for a paving and drainage plan prior to the submittal of a building permit.
2. The property is adjacent to SR 89; therefore engineering has no additional stipulations.

Attachments: Staff Report of November 6, 2012 along with original Attachments

**STAFF REPORT AND SUPPORTING
DOCUMENTATION FROM THE
NOVEMBER 6, 2012
PLANNING AND ZONING COMMISSION
MEETING.**

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

TOWN HALL (928) 636-2646
FAX (928) 636-2144

PLANNING COMMISSION,
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
NOVEMBER 6, 2012

LEGAL AD

CUP-12-001: NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission of the Town of Chino Valley, Arizona, at the Town's South Campus Building located at 202 N. State Route 89, at 6:00 p.m. on Tuesday, November 6, 2012. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding a Conditional Use Permit (CUP) to allow a new 99-foot mono-pole with an equipment shelter on a leased area of 30' x 40' in the Commercial Heavy (CH) zoning district.

Clear Blue Services, which is representing AT&T, is planning to construct a new wireless communication tower located at 2655 North State Route (SR) 89 (Assessor's Parcel Number 306-14-021C). The site is located on the east side of SR 89 approximately 600 feet north of the Road 3 1/2 North alignment and consists of approximately 1-acre.

A. LOCATION: Please see Exhibit "A" Location Maps.

B. FACTS:

1. Owner:Mannix Holdings LLC.
2. Applicant:Clear Blue Services
3. Engineer:Bechtel Communications, Inc.
4. Architect:N/A
5. Site Dimension and Area:30' x 40' of leasable space
6. Existing Zoning:Commercial Heavy
7. Adjacent Zoning and Use:
 - North.....CH
 - South.....CL
 - East.....CL, vacant
 - West.....Across SR 89, CH
8. Water Source:Private Well
9. Waste Water:N/A
10. General Plan Conformance: General Designation is "Commercial".

C. NOTIFICATION LETTERS: The Citizen Participation protocol as required by the Town Code resulted in approximately 27 letters noticing the request being mailed out. To date the Town has received several phone calls from citizens requesting additional information about the proposal and one letter of opposition (Exhibit B).

D. NEIGHBORHOOD MEETING: On October 29, 2012, a neighborhood meeting was held with Chuck Chisholm and Adam Brixius, project managers for Clear Blue Services, to discuss the proposed CUP with residents surrounding the property. The meeting was held at Council Chambers and allowed adjacent landowners or other affected citizens, an opportunity to discuss



or express their views concerning the request. Five citizens attended and the following is an outline of the major concerns that were expressed at the meeting:

Mr. Chisholm gave a description on how and why the site was selected and stated that AT&T is requesting a CUP for a 99-foot mono-pole. Currently, AT&T has significant gaps in coverage in the area and their network engineers defined the site location and height specifications that would best meet the needs in the area. This specific site was chosen to mitigate the number of sites needed to fill gaps in the AT&T network.

The site plan for the proposed mono-pole places the pole at 28-feet from the west property line. The reason the pole can be placed so close to the property line is because the tower will be designed to collapse within a 20-foot fall zone radius. In addition, this design will accommodate the co-location of other communication providers, further reducing the need for other providers to install additional towers.

The following is an outline of concerns expressed by the citizens:

- The tower is too tall and too close to the highway.
- If other communication providers co-locate on the tower it will become more of an eyesore that it already is.
- What will the tower do to adjacent property values?
- Are there any health concerns with wireless communication facilities?

Height and Location: Mr. Chisholm and Mr. Brixius addressed the concerns stating that the tower is located adjacent to a State Route which is usually a preferred location by residents. In addition, the site is in a CH zoning designation which again is usually preferred.

Co-Location: Most municipalities require co-location or at least require the applicant to prove that co-location is not an option. The town places an emphasis on co-location and if this tower is approved, other telecommunication companies will have to justify why they cannot locate on this pole.

Property Values: That is something that is hard to determine. Generally speaking, modern telecommunication infrastructure is a benefit to the citizens and businesses and is essential for all growing communities.

Health Concerns: This is regulated by the Federal Communications Commission (FCC) and they assure that wireless communication facilities are safe. In addition, the FCC seeks to improve wireless 9-1-1 services.

E. ANALYSIS: The applicant is requesting the consideration of a CUP for a Wireless Communications Facility to allow for the construction of a new 99-foot mono-pole with equipment shelters on a leased area of 30' x 40' on approximately 1 acre parcel in a CH zoning



district. The request is considered an accessory use to the existing businesses on the site (Exhibit C - 11 x 17 Site Plans Labeled YA65-AA).

Currently, the maximum height for a communication tower allowed in the Town of Chino Valley is 65-feet. However, on the previous item on the November 6, 2012 agenda, AT&T is requesting a Text Amendment to Section 4.25.F.1.a., of the Unified Development Ordinance (UDO) to increase the maximum height allowed from 65 feet to 99 feet (34 foot increase). If the Commission chooses to recommend favorably, than they may also make a favorable recommendation regarding the CUP.

The applicant has provided an inventory of their existing sites and has proven through, "RF frequency propagation maps" that a wireless communication facility at the proposed location will significantly enhance their network coverage. In addition, the proposed location is in non-residential areas and will promote co-location (Exhibit D- Booklet provided by AT&T labeled YA65).

Another consideration is the proposed setback of the tower. The applicant has provided a letter, stamped by a certified engineer, stating that the 99-foot mono-pole structure will be designed for a "fall zone" radius limited to 20-feet. That means that in the event of a pole failure, the failure will occur at an elevation that is 20-feet below the top of pole. Therefore, AT&T is proposing to locate the tower 28-feet from the property line, which will be inside the stated "fall zone".

UDO requires that towers must be set back a distance equal to at least one hundred and ten percent (110%) of the height of the tower from any adjoining lot lines. The UDO also allows the Town Council to reduce the standard setback if the goals of this section are served.

F. SUMMARY OF UDO REQUIREMENT: The applicant will be required to meet the following requirements of Section 4.25:

1. Aesthetics: The tower shall either maintain a galvanized steel finish, or, subject to any FAA standards, be painted a neutral color
2. Co-location opportunities
3. Statement of compliance with State and Federal Requirements
4. Building Code requirements
5. Security fencing: Shall be constructed of block or masonry
6. Landscaping: Provide a four (4) foot landscape strip outside the perimeter of the compound
7. Removal of tower if abandoned
8. Building setback requirements of the CH district

G. BOOKLET PROVIDED BY CLEAR BLUE SERVICES/ BECHTEL/AT&T (Exhibit D):

AT&T has put together a booklet for the Commission and Council review. The booklet contains the following incorrect information:

Waiver Request:

1. The applicant will provide a block wall (Exhibit E)



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

TOWN HALL (928) 636-2646
FAX (928) 636-2144

2. The tower setback will be 28-feet and not 24 and is justifying the relief based on a breakaway design Exhibit E).
3. The site access will be paved.

In addition, the last page in the booklet is incorrect. The correct document is provided with Exhibit F.

Existing Conditions: Currently, there are three commercial buildings on the site that accommodate various commercial businesses.

Site Access: The site is accessed from SR-89 and the SR-89 right-of-way is paved up to the subject property line. The subject site has gravel drive isles and parking areas. AT&T will pave a 12-foot wide access drive from the SR-89 right-of-way to the communication tower compound.

Technical Review Committee: Materials included in Exhibit D

F. STAFF RECOMMENDATIONS for the CUP:

Option 1: With the Commission recommendation of approval for the Text Amendment to Section 4.25.F.1.a., of the UDO, and with the Findings and Stipulations indicated below, staff endorses the CUP requests maximum height of 99-feet and suggests that the Commission forward the items to the Town Council with a recommendation for approval.

Option 2: With the Commission recommendation of denial for the Text Amendment to Section 4.25.F.1.a., of the UDO, and with the Findings and Stipulations indicated below, staff endorses the CUP requests with a maximum height of 65-feet and suggests that the Commission forward the items to the Town Council with a recommendation for approval.

FINDINGS - Required by Section 1.9.3 of the UDO:

1. That the CUP will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare: and
2. That the proposed use is reasonably compatible with uses permitted in the surrounding area.

ZONING CONDITIONS:

1. Applicant agrees that the approval of this Conditional Use confers no entitlements or rights to the owner or applicant other than those that are vested as a Conditional Use in the CH Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's UDO.
3. That the CUP is granted for an indefinite period of time, however upon initiation by the Planning Commission the Permit may be reviewed at any time and after conducting a Public Hearing the Commission may recommend that the Town Council amend, modify or revoke the CUP.



DEVELOPMENT SERVICES DEPARTMENT
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4. That if the tower is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of the tower shall remove the tower within ninety (90) days of receipt of notice from the town notifying the owner of such abandonment. Failure to remove an abandoned tower within said ninety (90) day period shall be grounds to remove the tower 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 (Section 4.25 J).

ENGINEERING CONDITIONS:

1. The applicant shall receive approval for a paving and drainage plan prior to the submittal of a building permit.
2. The property is adjacent to SR 89, therefore engineering has no additional stipulations.

Attachments:

Exhibit A: Location Map

Exhibit B: Citizen Letter

Exhibit C: 11 x 17 Site Plans provided by AT&T labeled YA65-AA

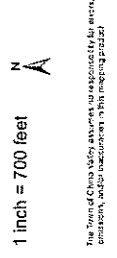
Exhibit D: Booklet provided by AT&T labeled YA65

Exhibit E: Revised drawing of compound showing tower location and block wall

Exhibit F: Engineers letter regarding break away tower



CUP 12-001



PUBLIC MEETING LETTER

RECEIVED
OCT 30 2012

BY:

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

Mannix Holding, LLC
2655 N State Route 89
Chino Valley, AZ 86323

RE: Property Parcel Number: 306-14-021C
Property Address: 2655 N. State Route 89
Chino Valley, AZ

Type of Application: Conditional Use Permit and a Text Amendment to section 4.25.F.1a.

Dear Property Owner:

It is the intent of Clear Blue Services, who is the applicant for the above property, to obtain a conditional use permit for a wireless communication facility and a text amendment, to section 4.25.F.1a. to allow for the maximum tower height of 99', on parcel # 306-14-021C. This parcel is located at 2655 N. State Route 89, Chino Valley, AZ.

A public hearing will be held before the Planning and Zoning Commission on 11-6-12 at the Council Chambers - South Campus - 202 N. State Route 89 at 6:00 p.m. All interested parties are invited to attend.

Please return the lower portion of this letter with your comments to: Town of Chino Valley, Development Services Department, 1020 Palomino Road, Chino Valley, AZ, 86323 or you can express any concerns by contacting 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.

Detach Here

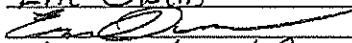
Please Check One:

Clear Blue Services
#306—14-021C

☐ I approve of this rezoning/conditional use permit.

☒ I oppose this rezoning/conditional use permit.

Comments: 1) This will immediately devalue all the surrounding properties.
2) This would be a permanent eye sore in down town Chino Valley.
3) This would become a lightening rod in the heart of three propane storage yards.
4) Any rational city will place such towers on the surrounding hill tops.

Name: Eric Owens
Signature: 
Address: 360 W. Industrial Drive Chino Valley Az 86323

PLEASE RESPOND BY: 11-6-12

PLEASE NOTE: Comment letters may be submitted to the Development Services Department 24 hours prior to the scheduled Public Hearing.

Exhibit C

[illegible]

SITE ADDRESS:	HITNEY SOLAR 2655 N. STATE ROUTE 89 CHINO VALLEY, AZ 86323
APN:	300-14-021C
DEED:	-112.45068'
LEGAL LATITUDE:	34° 47' 00.96" N
LEGAL LONGITUDE:	112° 07' 08.56" W
SECTION:	14
TOWNSHIP:	TOWN OF CHINO VALLEY (YAVAPAI COUNTY)
RANGE:	COMMERCIAL
PROPOSED USE:	COMMERCIAL / UNIMANDED TELECOMMUNICATIONS FACILITY
LOCAL AGENCY:	CH
ZONING:	CH

25736-655-FCB-V465-AA-01	TITLE SHEET	1
25736-653-FCB-V465-AA-00A	SITE SURVEY	1
25736-653-FCB-V465-AA-04B	OVERALL SITE PLAN	1
25736-653-FCB-V465-AA-05	RAILROAD LANE	1
25736-655-FCB-V465-AA-06	REBAR DETAILS	1
25736-625-FCB-V465-AA-07	ANTENNA LAYOUT & DETAILS	1

DESIGN PACKAGE BASED ON RF DATA SHEET DATED 08-08-12 (VO-B-0)

! THE FOLLOWING NOTES, SYMBOLS AND DETAILS FROM BECHTEL DOCUMENT NUMBER 24787-000-A3-EF-00001 APPLIES TO THE IMPLEMENTATION OF THIS SITE DESIGN PACKAGE. REFERENCE STANDARD NOTES SHEET.

STATUS CODE		ENG.	CONST.	DATE
1	ACCEPTED - WITH MINOR OR NO COMMENTS, CONSTRUCTION MAY PROCEED			
2	NOT ACCEPTED - PLEASE RESOLVE COMMENTS AND RESUBMIT			

ACCEPTANCE DOES NOT CONSTITUTE APPROVAL OF DESIGN DETAILS, CALCULATIONS, ANALYSIS, TEST METHODS OR MATERIALS DEVELOPED OR SELECTED BY SUBCONTRACTOR AND DOES NOT RELIEVE SUBCONTRACTOR FROM FULL COMPLIANCE WITH CONTRACTUAL OBLIGATION.

NAME (PRINT)	SIGNATURE	DATE
GENERAL CONTRACTOR -- CONFIRM ACCURACY OF THESE REDLINE DRAWINGS		
NAME (PRINT)	SIGNATURE	DATE
FIELD COORDINATOR -- VERIFY INSTALLATION PER REDLINE DRAWINGS		
NAME (PRINT)	SIGNATURE	DATE
ENGINEERING -- Market Engineers Shall Review Redline Drawings To Ensure Changes Do Not Alter The Original Design Intent And/Or Are Code Compliant		

BECHTEL COMMUNICATIONS, INC.
2075 W PINNACLE PEAK RD, SUITE 110
PHOENIX, AZ 85027
PHONE: (602) 282-3281

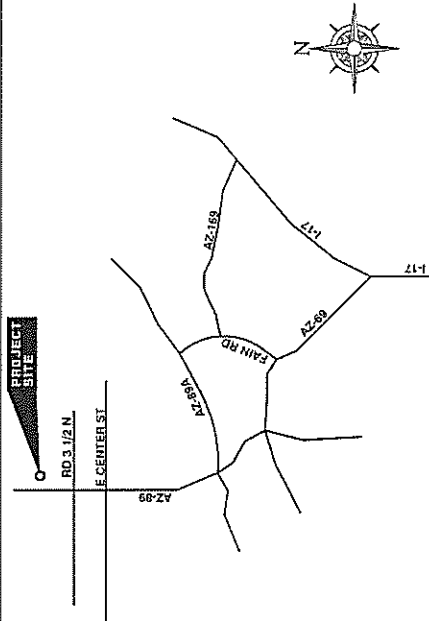
at&t
AT&T MOBILITY
20 N. TATUM BLVD., SUITE
PHOENIX, AZ 85050
PHONE: (480) 414-1933

DATE	REVISIONS	DESCRIPTION	BY	CHKD
01/09/12	1	CITY PLANNING COMMENTS	MD	MD
01/30/12	0	ZONING DRAWINGS	JH	MD

NAME	COMPANY	NUMBER
A/E	ANDY LIVINGSTON	602-428-9500
SAC	CHARLES CHISHOLM	602-428-9500
SAC	SHANNON MORELLI	623-282-3040
RF	OZGUR CELIK	(602) 625-3782
LANDLORD	SHERRI MANNIX	908-896-4771
	MANNIX HOLDINGS LLC	

DIRECTIONS:

OFFICE AT 20830 NORTH TATUM BOULEVARD HEAD SOUTH ONTOWARD ROSE GARDEN LN. TAKE
THE RAMP OFF AT 42-101 LOOP W. TAKE EXIT 23B-23C TO THE RIGHT ONTOWARD ELCAJASTE. TAKE
RIGHT ONTOWARD 42-69 N/PRESCOTT/CORDES LAKES RD/ARCONATI. MERGE ONTO 42-69 N. TURN RIGHT
ONTO 42-69 N/ARCONATI. TAKE EXIT 317 FOR 42-89 TOWARD PRESCOTT/OHIO VALLEY.
CONTINUE RIGHT AT FORK FOLLOW SIGNS FOR ASH FORK AND MERGE ONTO 42-89 N. AT TRAFFIC CIRCLE,
KEEP STRAIGHT TO STAY ON 42-89 N. DESTINATION WILL BE ON RIGHT - 4.7 MILES.



SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.

ELECTRICAL CODE:
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70 – 2005, NATIONAL ELECTRICAL CODE,
LIGHTNING PROTECTION CODE:
NFPA 780 – 2000, LIGHTNING PROTECTION CODE]

THE SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING STANDARDS:

1. AMERICAN CONCRETE INSTITUTE (ACI) 318, BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE

2. AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC), MANUAL OF STEEL THIRTEENTH EDITION

3. TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-G, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWER AND ANTENNA SUPPORTING STRUCTURES

4. AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC), BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS

INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTIVITY, GROUND IMPEDANCE, AND EARTH SURFACE POTENTIALS OF A GROUND SYSTEM
IEEE 1100 (1999) RECOMMENDED PRACTICE FOR POWERING AND GROUNDING OF ELECTRONIC EQUIPMENT

IEEE C62.41, RECOMMENDED PRACTICES ON SURGE VOLTAGES IN LOW VOLTAGE AC POWER CIRCUITS (FOR LOCATION CATEGORY "C3" AND "HIGH SYSTEM EXPOSURE")

TELCORDIA GR-1275, GENERAL INSTALLATION REQUIREMENTS

TELCORDIA GR-1503, COAXIAL CABLE CONNECTIONS

ANALYST T.311. FOR TELECOM - DC POWER SYSTEMS - TELECOM, ENVIRONMENTAL,

FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL, METHODS OF CONSTRUCTION, OR OTHER REQUIREMENTS, THE MOST RESTRICTIVE REQUIREMENT SHALL GOVERN. WHERE THERE IS A CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL GOVERN.

AT&T (RF): _____ DATE: _____

AT&T (CONST.): _____ DATE: _____

AT&T (S.A.): _____ DATE: _____

LANDLORD: _____ DATE: _____

LANDLORD: _____ DATE: _____

SITE ACQ.: _____ DATE: _____



SITE NUMBER: YA65-AA
CANDIDATE NAME: HITNEY SOLAR

[illegible]

THIS DOCUMENT CONTAINS AN UNCLASSIFIED
SIGNATURE PAGE(S) TO BE RELEASED TO THE
PUBLIC IN 2014 BY A NATIONAL ARCHIVE
AND RECORDS SERVICE. FOR MORE INFORMATION,
CONTACT THE NATIONAL ARCHIVE AT 866.832.6224.
NATIONAL ARCHIVE REF ID: A63543

FOR ZSRING PURPOSES ONLY	TA CODE	COATING NUMBER
	10657374	75716-635-606-VARS-AA-01

100

21

2

4

5

5

1. CONTRACTOR TO COORDINATE & PROVIDE PRIVATE LOCATING SERVICE PRIOR TO CONSTRUCTION.
2. REFERENCE MANUFACTURERS TOWER DRAWINGS ON INSTALLATION.

GENERAL NOTES:

SIGNS

- [illegible]

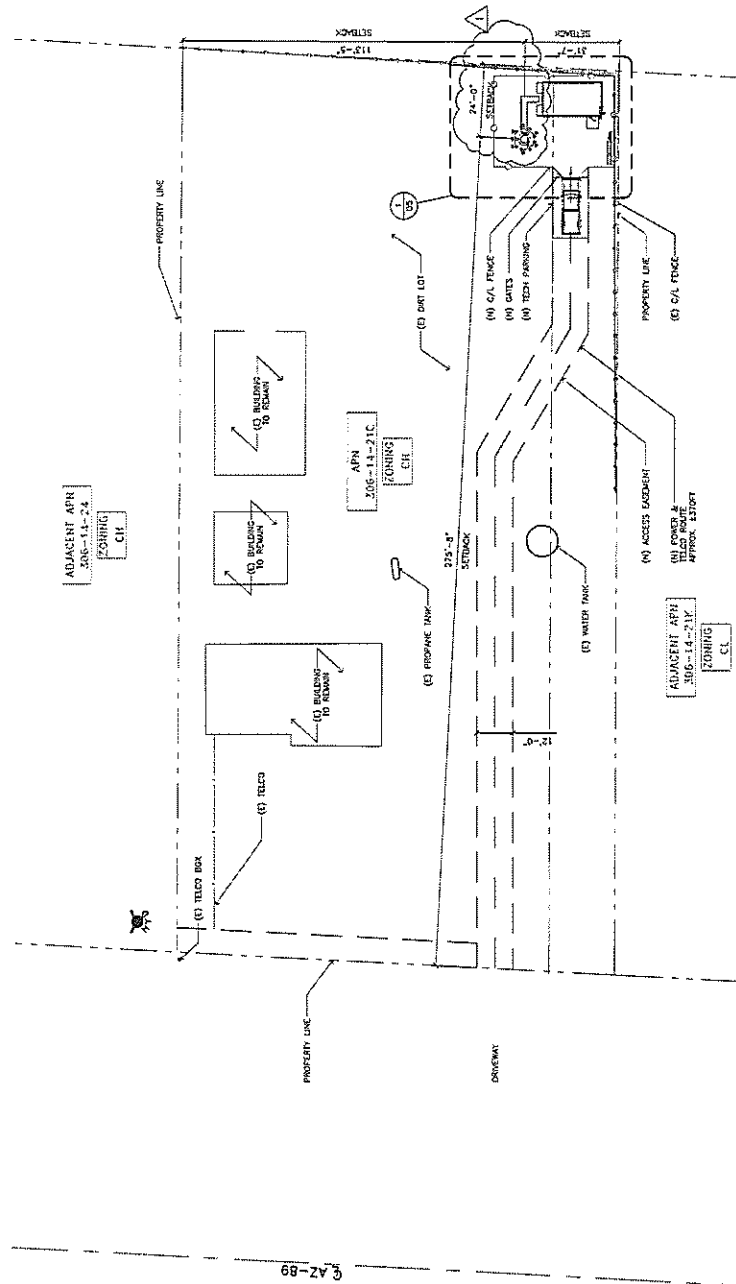
References

1. NORMAL LIGHTING WILL BE INSTALLED AT EQUIPMENT RACKS FOR THE PURPOSE OF EQUIPMENT MAINTENANCE. EQUIPMENT LIGHTING WILL BE ON A SWITCH OVER-RIDE 300 WATT W/A 8 H. TIMER.
2. ADDITIONAL LIGHTING WILL BE INSTALLED IF REQUIRED BY THE MUNICIPALITY FOR SECURITY PURPOSES.
3. ALL LIGHTING IS TO BE INSTALLED NO HIGHER THAN 10'-0". (UNLESS OTHERWISE REQUIRED BY INDIVIDUAL MUNICIPALITY)

COMPLIANCE

1. AREA COMPLIANCE FACILITY IS NOT STARTED AND NOT
ABANDONED OCCUPIED.
2. SUB-CONTRACTOR IS RESPONSIBLE FOR DESIGNING
TEMPORARY BARRICADES AND/OR FENCING TO PROTECT THE
SAFETY OF THE PUBLIC DURING CONSTRUCTION.
3. THE ANTENNA SHALL NOT INTERFERE WITH ANY EXISTING
COMMUNICATION SYSTEMS.
4. ALL ITEMS SHOWN ON THIS DRAWING ARE EXISTING
UNLESS OTHERWISE NOTED.
5. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO
ALL APPLICABLE CODES AND ORDINANCES.

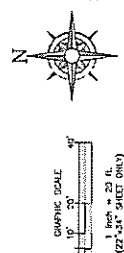
NOTE: SITE PLAN REWORKING COMPLETED FROM SURVEY WGS 44927, DATED 8/21/12.



CALL TWO WORKING DAYS
BEFORE YOU DIG

602-263-1100

1-800-STAKE-IT
(OUTSIDE MARICOPA COUNTY)



OVERALL SITE PLAN



Clear Blue
Services

YA65-AA
HITNEY SOLAR
2655 N. STATE ROUTE 89

BECHTEL COMMUNICATIONS, INC.
2075 W PINKHOLE PEAK RD, SUITE 110
PHOENIX, AZ 85027
PHONE: (602) 282-3091



			CITY PLANNING COMMENTS	ZONING DRAWINGS
1	09/12/12			
0	08/30/12			

[illegible][illegible]

AT&T MOBILITY

JA 0204	25736-625-FC6-YA65-AA-04B	CPA#625 NUM=007	1
0567334			

15

1. SUBCONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR FINAL AND EXACT WORK/MATERIALS REQUIREMENTS AND CONSTRUCT TO UTILITY COMPANY ENGINEERING PLANS AND SPECIFICATIONS ONLY.

2. SUBCONTRACTOR SHALL FURNISH AND INSTALL ALL CONDUIT, PULL WIRES, CABLE PULLBOXES, CONCRETE ENCASUREMENT OF CONDUIT (IF REQUIRED), TRANSFORMER PAD, BARRIERS, POLE RISERS, TRENCHING, BACKFILL, AND INCLUDE ANY UTILITY COMPANY REQUIREMENTS IN SCOPE OF WORK.

TELEPHONE COMPANY: POWER COMPANY:

COMPANY NAME:	_____ _____ _____	COMPANY NAME:	_____ _____ _____
ADDRESS:	_____ _____ _____	ADDRESS:	_____ _____ _____
CITY, STATE, ZIP	_____ _____ _____	CITY, STATE, ZIP	_____ _____ _____
PHONE NUMBER:	_____ _____ _____	PHONE NUMBER:	_____ _____ _____
CONTACT:	_____ _____ _____	CONTACT:	_____ _____ _____

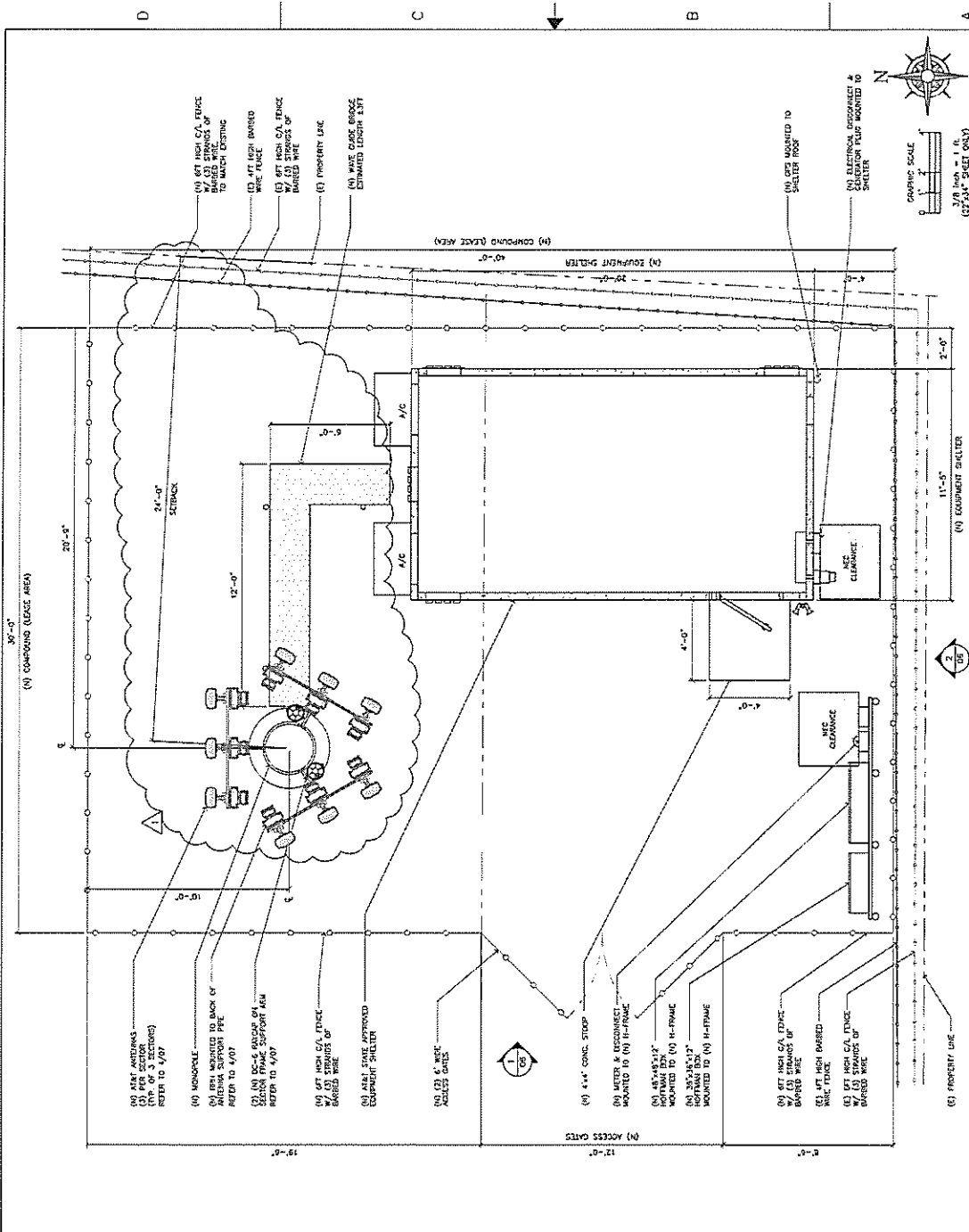
ELECTRICAL SUBCONTRACTOR SHALL CONTACT UTILITY COMPANIES 14 DAYS MINIMUM PRIOR TO ACTIVATION AND NOTIFY UTILITY COMPANY REPRESENTATIVE OF THE EXACT DATE OF ACTIVATION.

- VERIFY ALL EXISTING UNDERGROUND UTILITIES BEFORE TRENCHING. THESE DRAWINGS HAVE NOT BEEN CONFERRED WITH THE UTILITY COMPANIES DUE TO THE CONSTRAINTS AND ARE INTENDED AS A GENERAL GUIDE ONLY.
- ELECTRICAL SUBCONTRACTOR SHALL CONTACT TELE. CO. & POWER CO. TO VERIFY EXACT ROUTING/SIZES & CONDITIONS BEFORE TRENCHING.
- INSTALL ALL CONDUITS & EQUIPMENT AS SPECIFIED BY POWER CO. & TELEPHONE CO.
- FIELD VERIFY EXACT MEASUREMENT OF ALL NEW UTILITY FEEDERS PRIOR TO BID DO NOT SCALE FROM THESE PLAYS.
- CONTACT UTILITY COMPANIES FOR UNDERGROUND CONDUIT INSPECTIONS PRIOR TO BACKFILLING TRENCH.
- IT IS THE ELECTRICAL SUBCONTRACTORS RESPONSIBILITY TO COORDINATE WITH THE POWER AND TELEPHONE COMPANIES TO INSURE THAT SERVICE CONDUITS ARE TERMINATED AT THE CORRECT POWER POLE/PEDESTAL, ETC.

1. CONTRACTOR TO COORDINATE & PROVIDE PRIVATE LOCATING SERVICE PRIOR TO CONSTRUCTION.
2. ALL CABLES TO RUN INSIDE POLE.

HAND DIG EXCAVATIONS NEAR
EXISTING UTILITIES & WHERE
INDICATED ON SITE PLAN

5



Clear Blue



BECHTEL COMMUNICATIONS, INC.
2075 W PIMA/CLE PEAK RD, SUITE 110
PHOENIX, AZ 85027
PHONE: (602) 282-3091

YA65-AA
HITNEY SOLAR



AT&T MOBILITY
ON TATUM BLVD. SUITE 100
PHOENIX, AZ 85050
PHONE: (480) 414-1821

[illegible][illegible]

MOBILITY

RESEARCH DESIGN

Date: 04/10/2019

100-103-529-

1-800-4-A-FLYER

Exhibit D

YA65

Town of Chino Valley, AZ

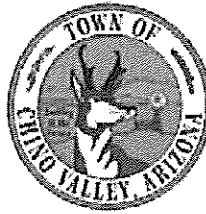
Use Permit / Parcel # 306-14-021C

Wireless Communication Facility

Clear Blue Services / Bechtel / AT&T

TOWN OF CHINO VALLEY

DEVELOPMENT SERVICES
1020 WEST PALOMINO ROAD
CHINO VALLEY, AZ 86323



BUILDING DIVISION
TELEPHONE (928) 636-4427
FAX (928) 636-6937

September 12, 2012

Dear Mr. Chisholm

This letter is written to summarize the discussion and comments from the Technical Review Meeting, held Tuesday, September 11, 2012 for your project, telecommunications facility in Chino Valley, Arizona. APN: 306-14-021C

The following Town Staff was present at the Technical Review Meeting:

David Nicoletta, Associate Planner
Mike Bovee, (Acting) Assistant Zoning Administrator
Dan Trout, Building Official
Ron Gritman, Town Engineer
Mary Brasher, Administrative Technician
Hilda Johnson, Administrative Technician

Also present: John Ginn, CV Fire Chief and Art Castricone, CV Fire Marshall

The following may not be all-inclusive, but attempts to summarize Staff comments in an effort to assist you in moving your project forward:

Development Services – Mike Bovee/David Nicoletta (928) 636-4427:

- The Unified Development Ordinance requires a Conditional Use Permit (CUP) for the installation of a telecommunications facility. CUP Application
- The Unified Development Ordinance will only allow a communications tower up to 65 ft. and requires a 110% setback. Council cannot approve a CUP that does not comply with the UDO requirements. Submitting Text Amendment
- For a communications tower over 65 feet the applicant would have to submit for a "Text Amendment" of the UDO to the Planning & Zoning Commission for a recommendation to the Town Council. Submitting Text Amendment
- Submit to the Development Services Department the information and engineering for a "collapsible Communication Tower." Requested a Fall Zone Letter for the tower.
- Requires submittal of a site plan in accordance with the requirements outlined in the CUP application which shall also include ingress and egress, security fencing and any structures. Check
- Furnish the Development Services Department with an inventory of all AT&T sites within the Town of Chino Valley Town Limits as well as within one mile of the Town Limits.
- The Unified Development Ordinance requires security fencing to be constructed of block or masonry. Requested an Exception
- Contact Chino Valley Irrigation District to ensure they do not have an interest in this project. Will be included in Citizen Participation



TOWN OF CHINO VALLEY

DEVELOPMENT SERVICES
1020 WEST PALOMINO ROAD
CHINO VALLEY, AZ 86323



BUILDING DIVISION
TELEPHONE (928) 636-4427
FAX (928) 636-6937

Engineering/Public Works – Ron Grittman (928) 636-7140:

- The drive surface areas and the parking lot must be surfaced with a dust free surface. Chip seal is the minimum surface material Requested an Exception

Fire Department – Art Castricone, Fire Marshall, John Ginn, Fire Chief (928) 636-2442:

- Required to provide adequate access for emergency vehicles. Check
- Add a Knox Box if lock cannot be cut to obtain access. Check

Building Department – Dan Trout (928) 636-4427:

- Required to use an Arizona registered design professional. Check
- Required to use a Commercially Licensed Contractor. Check
- All contractors to comply with Chino Valley Business license requirements. Check
- Building plans, foundation, and tower are required to be stamped engineered plans. Check
- The site and structure must comply with ADA requirements to allow access into the building. See International Building Codes Sections 1103.2.3 & 1103.2.5 & 1103.2.9

The comments from the Technical Review Committee are valid for one year from the date of this letter.

If the property owner/developer feels that the above-mentioned requirements of the Town's UDO are too restrictive, you have the right to appear before and present your case to the Planning Commission. The Planning Commission shall forward the case, with recommendation to Council. If the Council finds the site plan does not meet the requirements of the Town's UDO they can approve, deny, or make modifications to it (a paraphrase of UDO Section 1.7.4).

If you have any questions, please contact the appropriate Staff for information related to project requirements of that department, Monday – Thursday, from 7:30 A. M. to 5:00 P. M.

Respectfully,

Town of Chino Valley
Technical Review Committee



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Deed of Trust

Exhibit B

Legal Description

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Letter of Intent

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Compliance with Federal Communication Commission statement	8
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EXHIBIT A
EVIDENCE OF OWNERSHIP

First American Title

15
14
9

When recorded, mail to:

Name: Gene Hiney

Address: P. O. Box 3533

City/State/Zip Code: Chino Valley, AZ

86323

One Nation-Trustee, Recorder
OFFICIAL RECORDS OF YAVAPAI COUNTY
DANIEL MANNIX

B-4300 P-645
08/31/2005 11:24a
16 85 253775



B-4300 P-645
Page: 1 of 3
08/31/2005

Space above this line for Recorder's use

DEED OF TRUST

Trustor(s): DANIEL C. MANNIX and SHERRI L. MANNIX

Address: 110 N. Granada, Chino Valley, Arizona 86323

Beneficiary(ies): HITNEY REVOCABLE TRUST

Address: P. O. Box 3533, Chino Valley, Arizona 86323

Trustee(s): GENE C. HITNEY and SANDRA A. HITNEY

Address: 515 N. Pircusky, Ln., Chino Valley, Arizona 86323

Property situated in Yavapai County, State of Arizona

and known and legally described as follows:

See Exhibit "A" attached and made a part hereof.

This DEED OF TRUST made and executed on the date last written between the Trustor(s), Trustee(s), and Beneficiary(ies), above named.

WITNESSETH: That the Trustor(s) irrevocably grants and conveys to Trustee(s), with Power of Sale, the above described Real Property, together with the issues, rents, issues or income thereof (all of which are hereinafter called "property income"); subject, however, to the right, power and authority hereinafter given to and conferred upon the Beneficiary(ies) to collect and apply such property income; and subject to existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way, and easements of record, for the purpose of securing the performance of each of the separate agreements herein contained by the Trustor(s) and the payment of the sum of Three Hundred

Fifty Thousand

DOLLARS (\$ 350,000.00), with interest thereon according to the terms of that certain

Promissory Note dated January 3, 2005, executed by Trustor(s) in favor of Beneficiary(ies), or order.

TO PROTECT THE SECURITY OF THIS DEED OF TRUST, TRUSTOR(S) AGREE:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon, and to pay when due, all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alteration or improvements to be made thereon; not to commit or permit waste thereon; not to commit, suffer or permit any act upon said property in violation of laws; and do all other acts which from the character or use of said property may be reasonably necessary, without regards to specific enumerations herein.

First American Title



B-4305 P-646
Page: 2 of 5
200712

2. To provide, maintain and deliver to Beneficiary(ies), fire insurance coverage satisfactory to, and with loss payable to Beneficiary(ies). The amount collected under any fire or other insurance policy may be applied by Beneficiary(ies) upon any indebtedness secured hereby and in such order as Beneficiary(ies) may determine, or at the option of Beneficiary(ies), the entire amount so collected or any part thereof may be released to Trustor(s). Such application or release shall not cure or waive any default or Notice of Trustee's Sale hereunder or, invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of the Beneficiary(ies) or Trustor(s), and to pay all costs and expenses of the Beneficiary(ies) and Trustor(s), including the cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary(ies) or Trustor(s) may appear or be named, and in any suit brought by Beneficiary(ies) to foreclose this Deed of Trust.

4. To pay, before becoming delinquent, all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof which appear to be prior to, or superior hereto; all costs, fees and expenses of this Trust, including, without limiting the generality of the foregoing, the fees of the Trustee(s) for issuance of any Deed of Partial Release and Partial Reconveyance or Deed of Release and Full Reconveyance, and all lawful charges, cost and expenses in the event of reinstatement following default in this Deed of Trust or the obligation secured hereby.

Should Trustor fail to make any payment or to do any act as herein provided, then Beneficiary(ies) or Trustor(s), but without obligation so to do and without notice to or demand upon Trustor(s) and without releasing Trustor(s) from any obligation hereof, may, make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary(ies) or Trustor(s) being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary(ies) or Trustor(s); pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior to or superior hereto, and in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorney's fees.

5. To pay immediately and without demand all sums expended by Beneficiary(ies) or Trustor(s) pursuant to the provisions hereof, together with interest from date of expenditure at the same rate as is provided for in the Note(s) secured by this Deed of Trust, or at the highest legal rate, whichever be the greater rate. Any amounts so paid by Beneficiary(ies) or Trustor(s) shall become a part of the debt secured by this Deed of Trust and a lien on said premises or shall become immediately due and payable at the option of the Beneficiary(ies) or Trustor(s).

IT IS MUTUALLY AGREED:

6. That any award of damages in connection with any condemnation or any such taking, or for injury to the property for reason of public use, or for damages for private trespass or injury thereto, is assigned and shall be paid to Beneficiary(ies) as further security for all obligations secured hereby (reserving unto Trustor(s), however, the right to sue therefor and the ownership thereof subject to this Deed of Trust), and upon receipt of such monies, Beneficiary(ies) may hold the same as such further security, or apply or release the same in the same manner and with the same effect as above provided for the disposition of proceeds under fire or other insurance policies.

7. That time is of the essence of this Deed of Trust, and that by accepting payment of any sum secured hereby after its due date, Beneficiary(ies) does(do) not waive the right to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

8. That at any time or from time to time, and without notice, upon written request of Beneficiary(ies) and presentation of this Deed of Trust and said Note(s) for endorsement, and without liability therefor, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, and without affecting the security hereof for the full amount secured hereby on all property remaining subject hereto, and without the necessity that any sum representing the value of any portion thereof of the property affected by the Trustee's action be credited on the indebtedness, the Trustee(s) may: (a) release and reconvey all or any part of said property; (b) consent to the making, recording of either, or any map or plat of the property or any part thereof; (c) join in granting any easement hereon; (d) join in or consent to any extension agreement or any agreement subordinating the lien, encumbrance or charge hereof.

9. That upon written request of Beneficiary(ies) stating that all sums secured hereby have been paid, and upon surrender of this Deed of Trust and said Note(s) to Trustor(s) for cancellation and retention, and upon payment of its fees, Trustee(s) shall release and reconvey, without covenant or warranty, express or implied, the property then held hereunder. The recitals in such reconveyance of any matters



or facts shall be conclusive proof of the truthfulness thereof. The grantee in such recognition may be described as "the person or persons legally entitled thereto."

10. That as additional security, Trustor(s) hereby gives to and confers upon Beneficiary(ies) the right, power and authority during the continuance of this Trust, to collect the property income, reserving to Trustor(s) the right, prior to any default by Trustor(s) in payment of any indebtedness secured or if performance of any agreement hereunder, to collect and retain such property income as it becomes due and payable. Upon any such default Beneficiary(ies) may at any time, without notice, either by person, by agent, or by a receiver to be appointed by a Court and without regard to the adequacy or otherwise of any security for this indebtedness hereby secured, enter upon a take possession of said property or any part thereof, in his own name, sue or otherwise collect such property income, including that past due and unpaid, and apply the same, less cost and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary(ies) may determine. The entering upon and taking possession of said property, the collection of such property income, and the application thereof as aforesaid, shall not cure or waive any default or Notice of Trustee's Sale hereunder or invalidate any act done pursuant to such notice.

11. That upon default by Trustor(s) in payment of any indebtedness secured hereby or in performance of any agreement hereunder, Beneficiary(ies) may declare all sums secured immediately due and payable to delivery to Trustee(s) or written notice thereof, setting forth the nature thereof, and of the election to cause to be sold said property under this Deed of Trust. Beneficiary(ies) also shall deposit with Trustee(s) this Deed of Trust, said Note(s), and all documents evidencing expenditures secured hereby.

Trustee(s) shall record and give Notice of Trustee's Sale in the manner required by law, and after the lapse of such time as may then be required by law, Trustee(s) shall sell, in the manner required by law, said property at public auction at the time and place fixed by it in said Notice of Trustee's Sale to the highest bidder for cash in lawful money of the United States, payable at the time of sale. Trustee(s) may postpone or continue the sale by giving notice of postponement or continuation by public declaration at the time and place last appointed for the sale. Trustee(s) shall deliver to such purchaser its Deed conveying the property so sold with any covenant or warranty, expressed or implied. Any persons, including Trustor(s), Trustee(s) or the Beneficiary(ies) may purchase the property at such sale.

After deducting all cost, fees and expenses of the Trustee(s) and of this Trust, including cost of evidence of Title in connection with the sale and reasonable attorney's fees, Trustee(s) shall apply the proceeds of the sale to payment of all sums then secured hereby and all other sums due under the terms hereof, with accrued interest and the remainder, if any, to the person or persons legally entitled thereto, as provided by law. To the extent permitted by law, an action may be maintained by Beneficiary(ies) to recover a deficiency judgment for any remaining balance due hereunder.

12. That upon the occurrence of any default hereunder, Beneficiary(ies) shall have the option to foreclose this Deed of Trust in the manner provided by law for the foreclosure of Mortgages on Real Property, including all amounts for cost and expenses incident to such proceedings and reasonable attorney's fees.

13. The Beneficiary(ies) may appoint Successor Trustees in the manner prescribed by law. A Successor Trustee herein shall, without conveyance from the predecessor Trustee, succeed to all of the predecessor's title, estate, rights, powers and duties. Trustee(s) may resign by mailing or delivering notice thereof to Beneficiary(ies) and Trustor(s).

14. That this Deed of Trust applies to and inures to the benefit of, and binds all parties thereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary(ies) shall mean the owner and holder of the Note(s) secured hereby, whether or not named as Beneficiary(ies) in this Deed of Trust; whenever the context so requires the masculine gender includes the feminine and neuter, and the singular number includes the plural.

15. That Trustor(s) shall not assign, sell, convey or otherwise transfer his/her/their/its interest under this Deed of Trust to a third party(ies) without the written consent of the Beneficiary(ies), who may require either: (1) the immediate full payment of the balance due on the Note(s) secured by this Deed of Trust; (2) a renegotiation of the interest payable on the principal amount due under said Note(s); (3) proof of the third party's financial ability to maintain the debt; and (4) any combination of the foregoing.

16. That in accordance with Paragraph 15 above, Trustor(s) shall notify the Beneficiary(ies) in writing prior to the close of an assignment, sale or transfer of interest, and Beneficiary(ies) shall within five (5) business days thereof, notify Trustor(s) in writing as to whether and which election will be required under said Paragraph 15. The failure of Beneficiary(ies) to so notify Trustor(s) hereby, shall constitute a waiver of the elections contained in said Paragraph 15.

First American Title



17. This Deed of Trust shall be construed according to the laws of the State of Arizona.

18. That this Deed of Trust is made and executed with the understanding that it (check one)
- a. ☒ is not inferior to any other encumbrance of record.
 - b. ☐ is inferior to, and subject to, the following encumbrance(s) of record, to wit:

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 31st day of August, 2005.

[Signature] Gene C. Hittney
Signature of Trustee Trustee

[Signature] Sandra A. Hittney
By Authorized Agent

State of ARIZONA)
County of YAVAPAI) ss. **ACKNOWLEDGMENT**
On this 31st day of August, 2005, before me, the undersigned Notary Public, personally appeared Daniel C. Mannix and Sherri L. Mannix

known to me to be the individual(s) who executed the foregoing instrument and acknowledged the same to be his(hers)(their) free act and deed.

My Commission Expires: Dec. 28, 2007 [Signature]
Notary Public

If acknowledged in State of Florida, complete section below:
(Check One) ☐ Personally Known (or) ☐ Produced Identification
If applicable, Type of Identification Produced: _____



State of ARIZONA)
County of YAVAPAI) ss. **ACKNOWLEDGMENT**
On this 31st day of August, 2005, before me, the undersigned Notary Public, personally appeared Gene C. Hittney and Sandra A. Hittney

known to me to be the individual(s) who executed the foregoing instrument and acknowledged the same to be his(hers)(their) free act and deed.

My Commission Expires: July 12, 2007 [Signature]
Notary Public

If acknowledged in State of Florida, complete section below:
(Check One) ☐ Personally Known (or) ☐ Produced Identification
If applicable, Type of Identification Produced: _____





EXHIBIT "A"

All that portion of the Southeast quarter of the Northeast quarter of Section 10, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at a 1/2 inch rebar marking the intersection of the South line of the Northeast quarter of Section 10 and the Easterly right-of-way line of Highway 89;

thence North 02 degrees, 35 minutes, 45 seconds East, 589.44 feet along said Highway right-of-way to a half-inch rebar and the **TRUE POINT OF BEGINNING**;

thence North 02 degrees, 35 minutes, 45 seconds East, 145.20 feet to a 1/2 inch rebar;

thence North 89 degrees, 51 minutes, 09 seconds East, 300.00 feet to a 1/2 inch rebar;

thence South 02 degrees, 35 minutes, 45 seconds West, 145.20 feet to a 1/2 inch rebar;

thence South 89 degrees, 51 minutes, 09 seconds West, 300.00 feet to the **TRUE POINT OF BEGINNING**.

EXHIBIT B
LEGAL DESCRIPTION

LEASE AREA LEGAL:

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10,

THENCE SOUTH 00 DEGREES 03 MINUTES 46 SECONDS WEST, A DISTANCE OF 2,643.11 FEET TO THE EAST QUARTER CORNER OF SAID SECTION;

THENCE NORTH 89 DEGREES 44 MINUTES 42 SECONDS WEST, A DISTANCE OF 1,422.29 FEET;

THENCE NORTH 03 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 589.44 FEET;

THENCE SOUTH 89 DEGREES 44 MINUTES 09 SECONDS EAST, A DISTANCE OF 268.40 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 51 SECONDS EAST, A DISTANCE OF 1.55 FEET TO THE POINT OF BEGINNING;

THENCE NORTH, A DISTANCE OF 40.00 FEET;

THENCE EAST, A DISTANCE OF 30.00 FEET;

THENCE SOUTH, A DISTANCE OF 40.00 FEET;

THENCE WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,200.00 SQUARE FEET OR 0.0275 ACRES, MORE OR LESS.

ACCESS LEGAL:

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA BEING A 12.00' WIDE ACCESS AND UTILITY EASEMENT LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10,

THENCE SOUTH 00 DEGREES 03 MINUTES 46 SECONDS WEST, A DISTANCE OF 2,643.11 FEET TO THE EAST QUARTER CORNER OF SAID SECTION;

THENCE NORTH 89 DEGREES 44 MINUTES 42 SECONDS WEST, A DISTANCE OF 1,422.29 FEET;

THENCE NORTH 03 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 629.29 FEET TO THE POINT OF BEGINNING;

THENCE EAST, A DISTANCE OF 169.92 FEET;

THENCE SOUTH 59 DEGREES 43 MINUTES 44 SECONDS EAST, A DISTANCE OF 49.60 FEET;

THENCE EAST, A DISTANCE OF 53.55 FEET TO THE POINT OF TERMINUS.

EXHIBIT C

REQUESTED LAND USE ACTION

Letter of Intent

AT&T Site YA65

REQUEST: Wireless Facility Use Permit

PROPOSAL: Wireless Communications Facility – 99' monopole

LOCATION: 2655 N. State Route 89 Chino Valley, AZ 86323

SIZE: 30' x 40' Lease Area and 99' Monopole.

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

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

PURPOSE OF REQUEST

This Wireless Facility Use Permit application is intended to provide wireless services, as required by AT&T mobility's FCC license. This site is designed to fill significant gaps in coverage for AT&T service in the area. AT&T strives to serve its subscribers while working with each jurisdiction to meet the local site design needs and requirements as well as provide collocation opportunities when practical to reduce unnecessary visual impacts.

DESCRIPTION OF PROPOSAL

AT&T Mobility is proposing the installation a wireless communication facility (WCF) at 2655 N. State Route 89 Chino Valley, AZ 86323. The facility will consist of a 99' monopole and a state approved equipment shelter, inside a 30' x 40' compound enclosed by a 6' chain-link fence with three strands of barbed wire. The site will be located in the southeast corner of the commercial lot. The location of the site is intended to be the least obtrusive to the neighborhood while still providing the needed coverage. The monopole will be setback 113'-5" from the north property line, 24'-0" to the east property line, 31'-7" to the south property line, and 275'-8" to the west property line.

RELATIONSHIP TO SURROUNDING PROPERTIES

The subject parcel where the facility is to be located is zoned Commercial Heavy (CH) and is being used for commercial purposes. The surrounding properties to the north and west are also zoned CH and used for commercial purposes; the properties to the east and south are Light Commercial (CL) and used for commercial purposes. North State Route 89 runs along the western boundary of the subject parcel.

LOCATION AND ACCESSIBILITY/CIRCULATION SYSTEM

Ingress and egress will be from N. State Route 89. Direct access to the WCF premises is available on the parcel. Except for sporadic maintenance and service visits the proposed site will be unmanned so there are no regular hours of operation or impact to existing traffic patterns. The proposed technician parking space will be sufficient to handle all necessary parking onsite.

HOURS OF OPERATION

The proposed site will operate 24 hours a day, 7 days a week, but is unmanned with no personnel onsite except during periodic servicing and maintenance. The site will be connected to and monitored by a central switching center.

DEVELOPMENT PHASING

A typical site of this nature has a four to six week construction schedule.

COMMUNITY FACILITIES/PUBLIC UTILITIES AND SERVICES

The site is served by a single meter 200 amp service; APS will be the service provider. Centurylink will provide service for the coax. All necessary telco and electrical services will be run underground in existing and proposed utility easements. The site does not require any potable water and does not generate any wastewater or solid waste.

NOISE, LIGHT, NUISANCES, AND OTHER ENVIRONMENTAL CONSIDERATIONS

The proposed wireless communication facility will not use any water or generate any wastewater or solid waste. There will be a motion censored light on equipment compound and should only be used during periodic servicing and maintenance. The proposed facility will not generate any noxious odors, and sounds and vibrations will be limited to small cooling fans within the equipment cabinets, within the equipment enclosure.

NEIGHBORHOOD IMPACT

The proposed facility's impact on the surrounding area will be minimal. The proposed facility's location is surrounded by commercial uses. Additionally, the large lot sizes in the area provide ample buffering from adjacent commercial uses. This facility will afford local residents and commercial establishments enhanced service, including full utilization of handheld device's capabilities, fewer dropped calls, more accurate locating abilities for first responders, and more reliable access to emergency services.

FEDERAL CORPORATION COMMISSION

AT&T has an obligation not only to its subscribers but also every person who owns a wireless device. AT&T is required by the Federal Corporation Commission enhanced 9-1-1 (E9-1-1) rules (Appendix Pg. 4 and 5) seek to improve the effectiveness and reliability of wireless 9-1-1 services by providing 9-1-1 dispatchers with additional information on wireless 9-1-1 calls. The FCC's wireless E9-1-1 rules apply to all wireless licensees, (Appendix Pg. 6, 7, and 8), broadband Personal Communications Service (PCS) licensees, and certain Specialized Mobile Radio (SMR) licensees.

PROVIDERS COMMUNICATION PLAN

AT&T is proposing a Wireless Communications Facility with collocation abilities in order to meet the needs in the area. Appendix pg.1 shows AT&T's current and proposed towers extending more than five miles beyond the site location. YA65 supports the needs of AT&T and can accommodate other carriers if they need to collocate on the monopole. This proposed tower is a 2013 build project. Appendix Pg. 2 and 3, shows the current coverage today and the coverage with the proposed 99' monopole.

AT&T's intention is to avoid proliferation of such facilities; this specific site is chosen to mitigate the number of sites needed to fill gaps in the AT&T network. It is likely that without this location, two to four sites may be required to meet the same need. AT&T is using the best and most recent technology available to keep their designs low profile and environmentally compatible with their surroundings (Pg.6 of site plan for equipment detail).

WAVIER REQUESTS

4.25.4.15 Security Fencing: In the Heavy Commercial district it is requested that a 6' high with three strands of barbed wire be the method of security fencing. The applicant requests that the block/masonry wall requirement be waived.

4.25.1.a Setback: The proposed setback is 24'-0" to the east property line and at 31'-7" to the south property line. After the Technical Advisory Committee review the east property line was changed to accommodate the fall zone. The tower will be designed to collapse within a 20' fall zone radius. A letter describing the fall zone and collapse design will be provided which will be signed and sealed by a Structural Engineer registered in the State of Arizona. An example of this fall zone letter referencing a different site is included with this submittal. (Appendix Pg. 9)

Site Access: The current site access is adequate to accommodate construction equipment and maintenance vehicles. Applicant requests that the access surfacing requirement be waived. Any obstructions created during construction will be returned to the same state or better once the construction of the WCF is complete.

ALTERNATIVE SITE ANALYSIS

Alternative Site Analysis

Performance Criteria

According to Chino Valley Unified Development Ordinance the purpose of Section 4.25 is to:

- Protect residential areas and land uses from potential adverse impacts of towers and antennas.
- Encourage the location of towers in non-residential areas.
- Minimize the total number of towers throughout the community.
- Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- Consider the public health and safety of communication towers.
- 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.

Site Justification

In this location the options to choose from on a preferred location basis do not differ much from one location to the next, except for the amount of coverage that could be provided from one site. Another factor to consider was if a network's antennas are located too close to one another they can interfere with each other and actually reduce coverage areas (Appendix Pg. 1). All four options have intense uses and are not adjacent to residential properties with the exception of option 3. The proposed location is chosen because it is the least obtrusive and promotes the best coverage. This site meets all of the points listed above in the performance criteria. This structure is designed and has the ability for collocation.

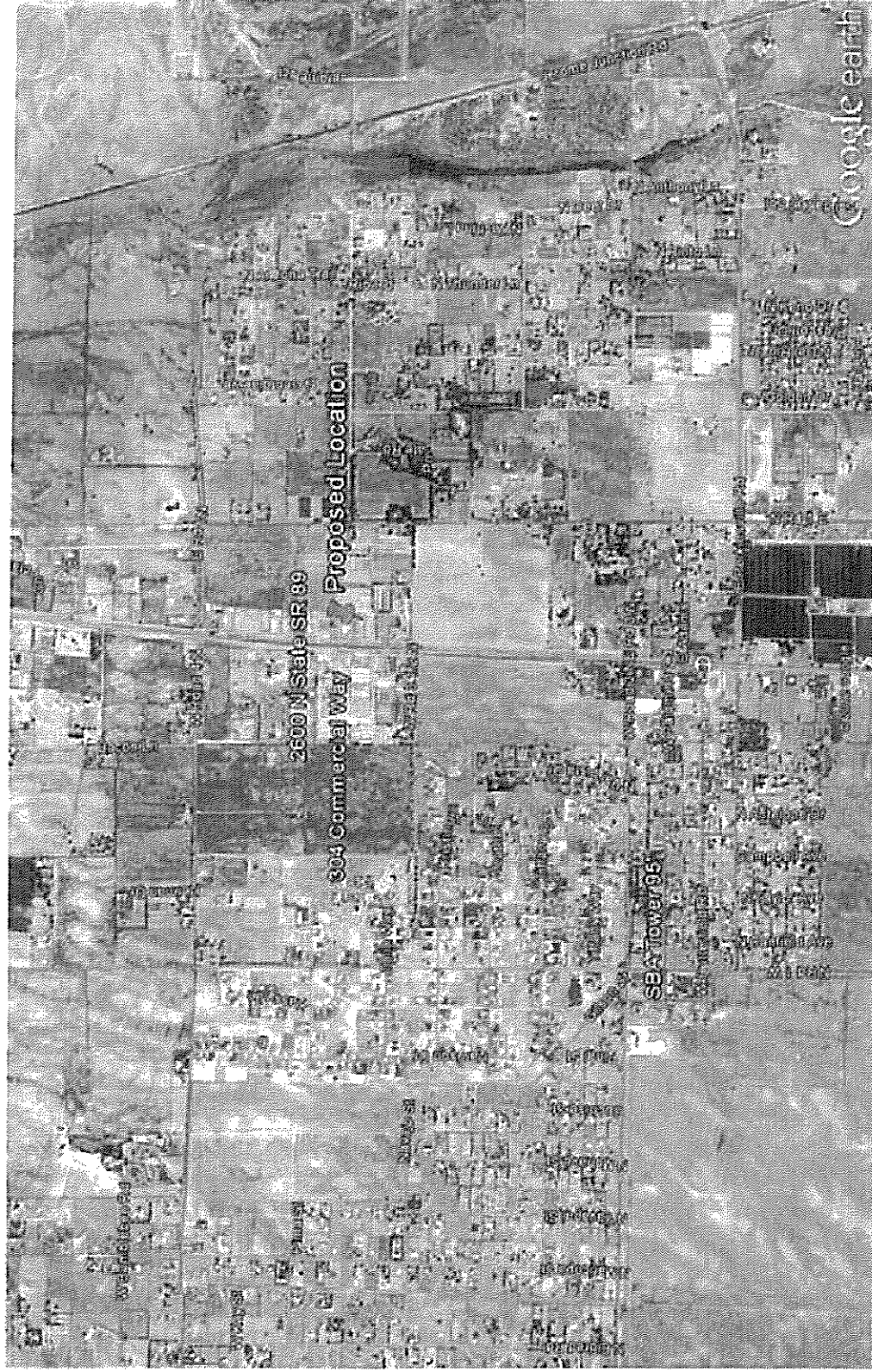
Alternative Site Locations

In order to achieve the service goals, significant gaps in coverage as previously defined (Appendix Pg. 2 and 3), AT&T network engineers considered alternative site locations defined by the search ring, areas with dead spots. The area within the search ring is primarily commercial districts. Option 3, the SBA tower was determined to be too far from the search area to satisfy the coverage gap requirements. It lies over 1 mile from the center of the existing search area, which has only a $\frac{1}{4}$ - $\frac{1}{2}$ mile radius (Alternative Site Analysis Pg. 2).

- Option 1, 2600 N State Route 89, Chino Valley, AZ
- Option 2, 304 Commercial Way Chino Valley, AZ
- Option 3, SBA Tower, 1988 N Road 1 West Chino Valley, AZ

Considering this, the best solution for Radio Frequency is the proposed location.

Alternative Site Analysis



site type

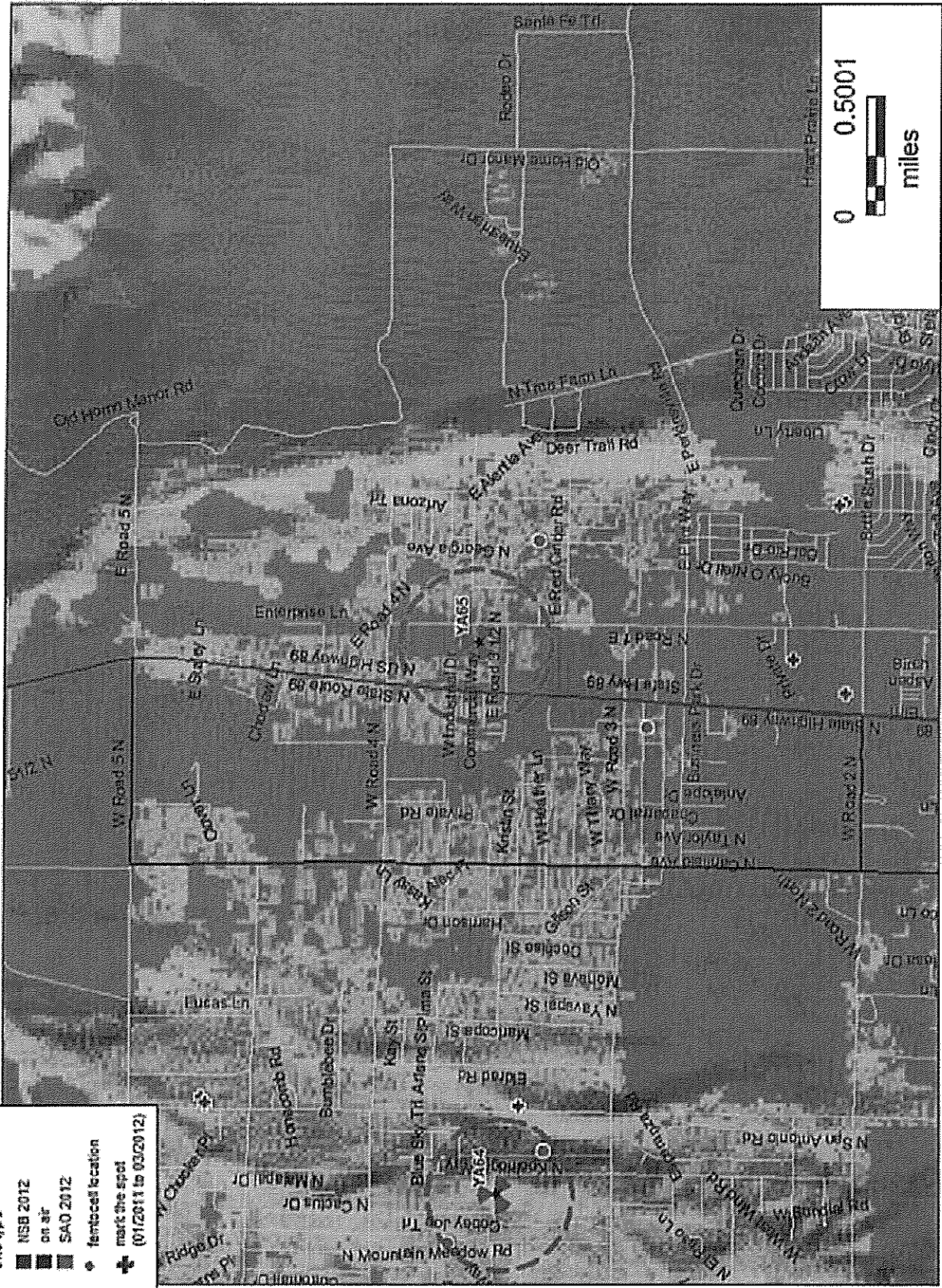
■ NSB 2012

■ on air

■ SAO 2012

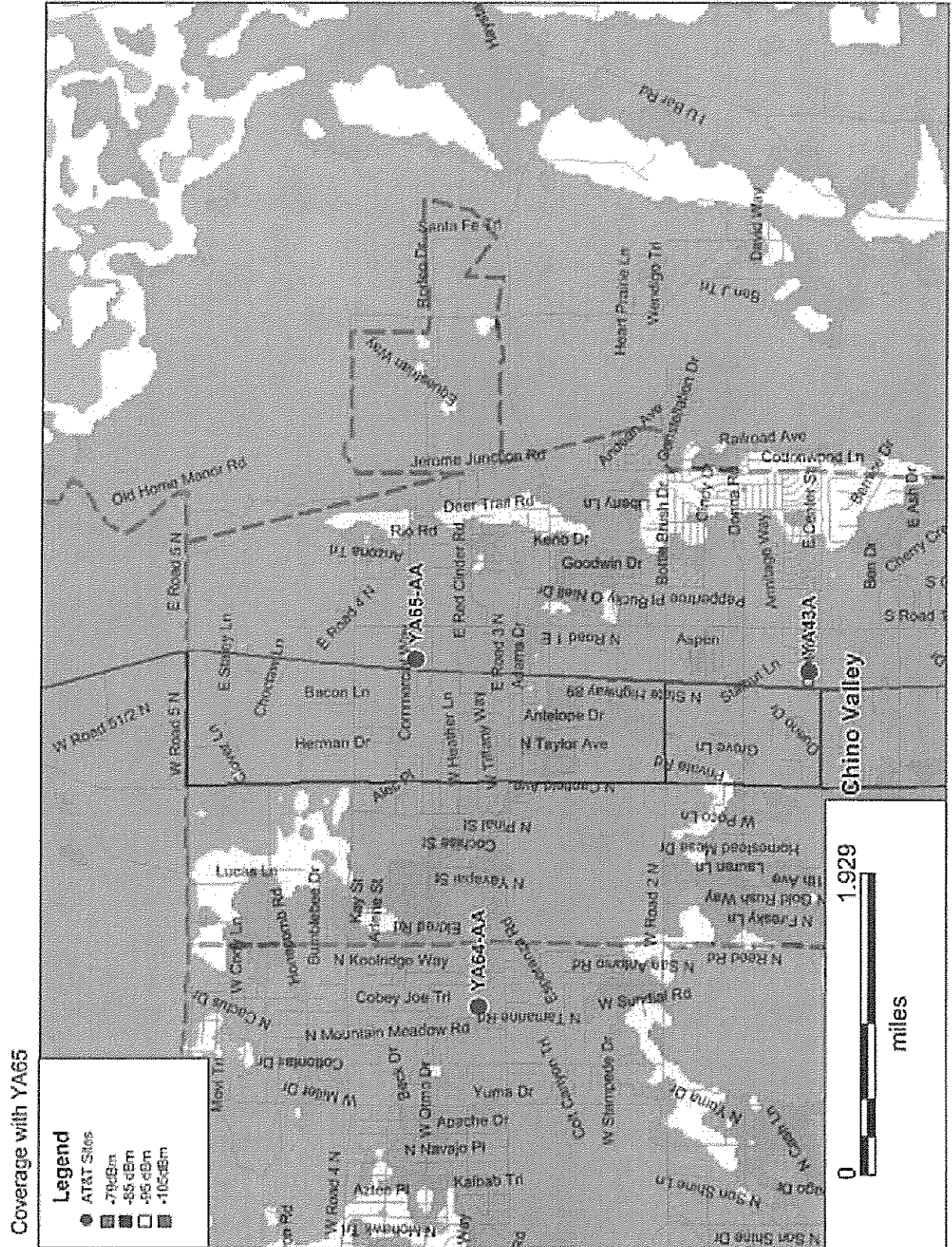
◆ fenced location

✚ mark the spot
(01/2011 to 03/2012)



Appendix

	Page
AT&T Proposed and Existing WCF's	1
RF frequency propagation maps	2,3
Federal Communication Commission (E 9-1-1)	4,5
Federal Communication Commission license	6,7
Compliance with Federal Communication Commission statement	8
Temporary Fall Zone Letter	9





Public Safety and Answering Points in Yavapai County, AZ

Public Safety and Homeland Security Bureau

FCC > PSAPs > Services > 9-1-1 Services > Enhanced 9-1-1 > Enhanced 9-1-1 - Wireless Services

Enhanced 9-1-1 - Wireless Services

The FCC's wireless Enhanced 9-1-1 (E9-1-1) rules seek to improve the effectiveness and reliability of wireless 9-1-1 services by providing 9-1-1 dispatchers with additional information on wireless 9-1-1 calls. The FCC's wireless E9-1-1 rules apply to all wireless licensees, broadband Personal Communications Service (PCS) licensees, and certain Specialized Mobile Radio (SMR) licensees.

The FCC has divided its wireless E9-1-1 program into two parts - Phase I and Phase II. Under Phase I, the FCC requires carriers, within six months of a valid request by a local Public Safety Answering Point (PSAP), to provide the PSAP with the telephone number of the originator of a wireless 9-1-1 call and the location of the cell site or base station transmitting the call.

Under Phase II, the FCC requires wireless carriers, within six months of a valid request by a PSAP, to begin providing information that is more precise to PSAPs, specifically, the latitude and longitude of the caller. This information must meet FCC accuracy standards, generally to within 50 to 300 meters, depending on the type of technology used. The deployment of E9-1-1 requires the development of new technologies and upgrades in local 9-1-1 PSAPs, as well as coordination among public safety agencies, wireless carriers, technology vendors, equipment manufacturers, and local wireline carriers.

PSAP Registry

The FCC maintains a Master PSAP Registry with information on PSAP names and locations.

Waivers and Reports

In its orders, the FCC has addressed requests for waivers of the Phase II rules, granting some subject to certain conditions and reporting requirements. For information on the Phase II deployment by large and mid-size carriers, see the most recent Quarterly Report.

Public Safety and Homeland Security Bureau

FCC > PSAPs > Services > 9-1-1 Services > Enhanced 9-1-1 > PSAP Registry

PSAP Registry

In December 2003, the FCC began collecting data to build a registry of public safety answering points (PSAPs). A primary PSAP is defined as a PSAP to which 9-1-1 calls are routed directly from the 9-1-1 Control Office, such as, a selective router or 9-1-1 tandem. A secondary PSAP is defined as a PSAP to which 9-1-1 calls are transferred from a primary PSAP. The PSAP database serves as a tool to aid the Commission in evaluating the state of PSAP readiness and E9-1-1 deployment.

The Registry lists PSAPs by an FCC assigned identification number, PSAP Name, State, County, City, and provides information on any type of record change and the reason for updating the record. The Commission updates the Registry periodically as it receives additional information. For further information concerning the FCC's Master PSAP Registry and carrier reporting requirements, or to notify the Commission of changes to the PSAP Registry, contact Jeannine Benfante at Jeannine.Benfante@fcc.gov and at 202-418-2312.

FCC Master PSAP Registry File (xls)
Last updated: August 28, 2012

Type of Change	Description
NC	No Changes have been made.
O	Orphaned PSAP no longer considered a primary call taking answering point. Refrain from using these in future filings.
A	PSAP was added since the original posting of the FCC Registry.
M	PSAP Name, State, County or City text has been modified since the original posting.
S	Secondary PSAP associated with a Primary PSAP. Use the Primary PSAP in future filings.

Public Safety Answering points in Yavapai County, AZ:

403	Bia Law Enforcement-skull Valley-Uintah-Ouray Reservations	AZ	Yavapai	Ft Duchnese	NC	
405	Bia-law Enforcement Services-Yavapai	AZ	Yavapai	Camp Verde	NC	
406	Camp Verde Marshals Office	AZ	Yavapai	Camp Verde	NC	
411	Central Yavapai Fire District	AZ	Yavapai	Prescott	S	PSAP is either a Duplicate or a Secondary PSAP. Calls are handled by PSAP #515
8290	Chino Valley Police Department	AZ	Yavapai	Chino Valley	S	PSAP is either a Duplicate or a Secondary PSAP. Calls are handled by PSAP #515
420	Cottonwood Fire Department	AZ	Yavapai	Cottonwood O		Orphaned PSAP no longer considered a primary call taking answering point. Refrain from using these in future filings.
421	Cottonwood Police Department	AZ	Yavapai	Cottonwood	NC	
484	Prescott Regional Communications Center	AZ	Yavapai	Prescott	M	PSAP Name, State, County or City text has been modified since the original posting of the FCC Registry.
492	Sedona Fire District	AZ	Yavapai	Sedona	M	PSAP Name, State, County or City text has been modified since the original posting of the FCC Registry.
494	Sedona Police Department	AZ	Yavapai	Sedona	NC	
516	Yavapai County Sheriff's Office	AZ	Yavapai	Prescott	NC	
517	Yavapai-apache Tribal Police	AZ	Yavapai	Prescott	NC	
518	Yavapai-Prescott Tribal Police	AZ	Yavapai	Prescott	NC	

Reference:

Federal Communications Commission . (2012). Retrieved from <http://transition.fcc.gov/pshs/services/911-services/enhanced911/psapregistry.html>

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: FCC GROUP
NEW CINGULAR WIRELESS PCS, LLC
5601 LEGACY DRIVE, MS: A-3
PLANO, TX 75024

Call Sign KNLF253	File Number
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0003291192

Grant Date 07-07-2005	Effective Date 09-27-2005	Expiration Date 06-23-2015	Print Date
Market Number MTA027	Channel Block A	Sub-Market Designator 5	
Market Name Phoenix			
1st Build-out Date 06-23-2000	2nd Build-out Date 06-23-2005	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This license is conditioned upon compliance with the provisions of Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation For Consent to Transfer Control of Licenses and Authorizations, Memorandum Opinion and Order, FCC 04-255 (rel. Oct. 26, 2004).

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, FCC 06-189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06-74, Order on Reconsideration, FCC 07-44 (rel. Mar. 26, 2007).

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/uls> and select "License Search". Follow the instructions on how to search for license information.

Uls License

PCS Broadband License - KNLF253 - New Cingular Wireless PCS, LLC

PA This license has pending applications: 0004016361

Call Sign	KNLF253	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
Market			
Market	MTA027 - Phoenix	Channel Block	A
Submarket	5	Associated Frequencies (MHz)	001850.00000000-001855.00000000 001930.00000000-001945.00000000

Dates

Grant	07/07/2005	Expiration	06/23/2015
Effective	09/27/2005	Cancellation	

Buildout Deadlines

1st	06/23/2000	2nd	06/23/2005
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Notification Dates

1st	06/19/2000	2nd	02/09/2005
-----	------------	-----	------------

Licensor

FRN	0003291192	Type	Corporation
-----	------------	------	-------------

Licensee

New Cingular Wireless PCS, LLC 5601 LEGACY DRIVE, MS: A-3 PLANO, TX 75024 ATTN FCC GROUP	P:(469)229-7422 F:(469)229-7297 E:KELLYE.E.ABERNATHY@CINGULAR.COM
---	---

Contact

Cingular Wireless LLC Kellye E Abernathy Esq 5601 LEGACY DRIVE, MS: A-3 PLANO, TX 75024	P:(469)229-7422 F:(469)229-7297 E:KELLYE.E.ABERNATHY@CINGULAR.COM
--	---

Ownership and Qualifications

Radio Service Type	Mobile
Regulatory Status	Common Carrier Interconnected Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race	
Ethnicity	Gender



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

August 1, 2012

RE: "ATT Wireless Communications Facility – YA65 - 2655 N State Route 89 Chino Valley, AZ 86323

Dear Chino Valley:

With regard to the AT&T Wireless communication facility YA65; this site will operate within all regulations specified by the Federal Communications Commission.

Additionally, all FCC required RF safety signage will be posted at the facility.

If I may be of further assistance, please contact me.

Sincerely,

Robert Hammersmark
AT&T Market RF Safety Engineer
Arizona/New Mexico
(602) 625-2372

ISE, Incorporated
Structural Engineers

Telecommunications & Industrial Design

3470 W. Jasper Drive • Chandler, Arizona • 85226 • Office: (602) 403-8614 • Fax: (623) 321-1263 • www.ISE-INC.biz

September 6, 2012

Mr. Tom Feddersen
Larson Camouflage
1501 S. Euclid Avenue
Tucson, AZ 85713

Subject: Monopole Fall Zone Design
Site F408

Mr. Feddersen,

The 108' steel monopole structure proposed for the subject site will be designed for a "fall zone" radius limited to 20'. This design characteristic assures that, in the highly unlikely event of a pole failure, the failure will occur at an elevation that is 20' below the top of pole.

The pole design is/will be prepared such that the top pole section has a design capacity usage of approximately 98% at the maximum design load condition. The remaining pole sections, base plate, and anchor bolts are designed at 90% or less of available capacity. This design process forces an unlikely "failure" to occur in the top pole section before any other pole sections. Furthermore, failure and separation of the upper pole section will relieve load on the remaining tower sections ensuring survival.

Be advised that pole failure is an unlikely event and the pole design provided for this site will satisfy the requested fall radius specification.

If there are any questions regarding this issue, please feel free to give me a call.

Sincerely,



Glen L. Hunt III, MS, PE
Principal Engineer



Exhibit E

1. SUBCONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR FINAL DESIGN AND EXACT WORK/MATERIALS REQUIREMENTS AND CONSTRUCT TO UTILITY COMPANY ENGINEERING PLANS AND SPECIFICATIONS ONLY.
2. SUBCONTRACTOR SHALL FURNISH AND INSTALL ALL CONDUIT, PULL WIRES, CABLE PULLBOXS, CONCRETE ENCASMENT OF CONDUIT (IF REQUIRED), TRANSFORMER PAD, BARRIERS, POLE RISERS, TRENCHING, BACKFILL, AND INCLUDE ANY UTILITY COMPANY REQUIREMENTS IN THE BIDDING.

COMPANY NAME:	NAME
ADDRESS:	ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP
PHONE NUMBER:	PHONE NUMBER
CONTACT:	CONTACT

1. ELECTRICAL SUBCONTRACTOR SHALL CONTACT UTILITY COMPANIES 14 DAYS MINIMUM PRIOR TO ACTIVATION AND NOTIFY UTILITY COMPANY REPRESENTATIVE OF THE EXACT DATE OF ACTIVATION.

2. VERIFY ALL EXISTING UTILITIES BEFORE TRENCHING. THESE DRAWINGS HAVE NOT BEEN CONFIRMED WITH THE UTILITY COMPANIES DUE TO TIME CONSTRAINTS AND ARE INTENDED AS A GENERAL GUIDE ONLY.
3. ELECTRICAL SUBCONTRACTOR SHALL CONTACT TELE. CO. & POWER CO. VERIFY EXACT ROUTING/SIZES & CONDITIONS BEFORE TRENCHING.
4. INSTALL ALL CONDUITS & EQUIPMENT AS SPECIFIED BY POWER CO. & TELEPHONE CO.
5. FIELD VERIFY EXACT MEASUREMENT OF ALL NEW UTILITY FEEDERS PRIOR TO BID DO NOT SCALE FROM THESE PLANS.
6. CONTACT UTILITY COMPANIES FOR UNDERGROUND CONDUIT INSPECTIONS PRIOR TO BACKFILLING TRENCH.
7. IT IS THE ELECTRICAL SUBCONTRACTORS RESPONSIBILITY TO COORDINATE WITH THE POWER AND TELEPHONE COMPANIES TO INSURE THAT SERVICE CONDUITS ARE TERMINATED AT THE CORRECT POWER POLE/PEDESTAL, ETC.

NOTE:
HAND DIG EXCAVATIONS NEAR
EXISTING UTILITIES & WHERE
INDICATED ON SITE PLAN

3

Clear Blue
Services



5

YA65-AA
HITNEY SOLAR
55 N. STATE ROUTE 8
HINO VALLEY, AZ 8632

 **at&t**
AT&T MOBILITY
20830 N. TATUM BLVD., SUITE 400
PHOENIX, AZ 85050
PHONE: (480) 414-1829

DATE	NO	REVISIONS	DESCRIPTION	AS SHOWN	DESCRIBED BY	CHKD BY	NO.	REV.
09/05/12	2		CITY PLANNING COMMENTS			JM	SLD	AL
07/13/12	1		CITY PLANNING COMMENTS			SLD	SLD	AL
05/30/12	0		ZONING DRAWINGS			JL	SLD	AL
						BT	CHK	APP

THIS DOCUMENT CONTAINS AN ELECTRONIC
SIGNATURE PURSUANT TO A.R.T. TITLE 41
CHAPTER 101, SECTION 1-201, AND THE
PROVISIONS OF THE FEDERAL INFORMATION
FREEDOM ACT OF 1976 (5 U.S.C. 552).
THIS DOCUMENT IS UNCLASSIFIED

REVISED

Notes

FA C

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CHX	100%
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SUITE 4

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Exhibit F

ISE, Incorporated
Structural Engineers

Telecommunications & Industrial Design

3470 W. Jasper Drive • Chandler, Arizona • 85226 • Office: (602) 403-8614 • Fax: (623) 321-1283 • www.ISE-INC.biz

October 22, 2012

Mr. Shahid Talpur
Bechtel Communications
2075 W. Pinnacle Peak Rd, Suite 110
Phoenix, AZ 85027

Subject: Monopole Fall Zone Design
Site YA65-AA Hitney Solar

Mr. Talpur,

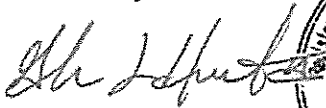
The 99' steel monopole structure proposed for the subject site will be designed for a "fall zone" radius limited to 20'. This design characteristic assures that, in the highly unlikely event of a pole failure, the failure will occur at an elevation that is 20' below the top of pole.

The pole design is/will be prepared such that the top pole section has a design capacity usage of approximately 98% at the maximum design load condition. The remaining pole sections, base plate, and anchor bolts are designed at 90% or less of available capacity. This design process forces an unlikely "failure" to occur in the top pole section before any other pole sections. Furthermore, failure and separation of the upper pole section will relieve load on the remaining tower sections ensuring survival.

Be advised that pole failure is an unlikely event and the pole design provided for this site will satisfy the requested fall radius specification.

If there are any questions regarding this issue, please feel free to give me a call.

Sincerely,



Glen L. Hunt III, MS, PE
Principal Engineer



TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
February 19, 2013
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

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

Members Present: Gwen Rowitsch, Chairperson
Garland Miner, Vice Chairperson
Jack Owen, Commissioner
Charles Merritt, Commissioner
Michael Edmonds, Commissioner

Staff Absent: Florence Sloan, 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 January 15, 2013.

Commissioner Rowitsch MOVED, seconded by Commissioner Merritt to approve the regular meeting minutes of January 15, 2013.
MOTION CARRIED 5-0

5. STAFF REPORT: Dava Hoffman thanked the Commissioners for their participation in the joint study session that was held January 31, 2013 and notified them that a new planner has been hired and will be on board March 4, 2013.

6. ELECTION OF OFFICERS in accordance with Section 1.4.3 of the UDO

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairperson shall have the power to take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

Commissioner Merritt MOVED, seconded Commissioner Edmonds to elect Commissioner Gwen Rowitsch for Chairperson of the Planning and Zoning Commission.
MOTION CARRIED: 4-0 (Chairperson Rowitsch led the meeting)

Commissioner Owen MOVED, seconded Commissioner Merritt to elect Commissioner Garland Miner for Vice Chairperson of the Planning and Zoning Commission.
MOTION CARRIED: 4-0

7. PUBLIC HEARING

7A. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: Text amendments of the Unified Development Ordinance, Section 4.25 Wireless Telecommunications Facilities

The proposed text amendments are intended to provide an updating of the code reflective of newer technology and standards to ensure access to reliable wireless telecommunication services throughout Chino Valley. The following sections are proposed for text amendments:

1. Section 4.25A. Purpose
2. Section 4.25D. General Requirements
3. Section 4.25E. Permitted Uses
4. Section 4.25F. Conditional Use Permits
5. Section 4.25G. Minimum Setbacks and Separation
6. Section 4.25H. Buildings or Other Equipment Storage
7. Section 4.25I. Co-Location
8. Section 4.25K. Nonconforming Uses
9. Adding Section 4.25L. Notice

Robert Smith gave a brief presentation explaining the different types of facilities and how they should be processed through the Unified Development Ordinance (UDO). There are four distinguishing features: Organization behind the Ordinance, mitigating impacts to the community, administrative flexibility, and controlling impacts with Conditional Use Permit (CUP).

In the draft that is proposed, wireless facilities are grouped into three basic categories; concealed facilities, disguised facility, and visible. A concealed facility would be one that is housed within a building and cannot be seen, the panels are installed inside a space and then enclosed by a transparent material, the disguised facility would be one that you would have to look closely to see, and then there is the visible sites.

- Concealed sites: Potential impact is limited to nonexistent. Should be allowed in all zoning areas and quasi-public spaces not occupied by homes.
- Disguised sites: Depends on how well the disguise is executed, and the environment it's placed in. Should be allowed in all zoning areas. Restrict them in the same manner as a residential area such as; healthy setbacks, design requirements, which is included in the draft language proposed.
- Visible Sites: High visual impact, restricted to Commercial and Industrial areas with healthy setbacks to residentially zoned property, other visual sensitive areas, and specific design requirements.

There should be some projects that can be processed and approved administratively. If a project comes in and meets all the requirements of the code, design specifications and any other requirements, then the Administration should be able to process and approve those. The Commission and Council would be involved when there is a risk that has not been mitigated or when the applicant is asking for something outside the design specifications found in the code.

Disguised facilities that meet all design requirements, are not over 65', and meet other code requirements can be administratively processed. This allows a faster review process with less risk to the applicant. If the applicant requests something outside of this code, then it will be forwarded to Commission and Council.

Controlling the impacts within the draft language proposed, it's suggested that a CUP be that control mechanism. If anything falls outside the definition of what would be considered an administrative item, then it would automatically go for a CUP process.

If a concealed type of facility doesn't meet the design requirements it would go for a CUP. Examples of these are ones that are proposed in a protected view shed or on a home site within a neighborhood. The Town is not looking to have these sites within residential neighborhoods. The disguised facilities would also have to meet the design requirement that is found in the draft language of the code, The Town needs to regulate how far the antennas stick out from the pole, if it is to be constructed with a palm tree or other concealment type apparatus. The idea is to have the antenna hidden by the facade.

A maximum height proposed for an administrative approval, would be 65 feet because that is closely related to the current ordinance. Visible sites that are going over the height limit would be required to go through the CUP process. The objective for creating a code amendment across these three different kinds of sites would be to;

- Recognize which type of project represents a risk of visual impact to the community,
- Regulate these sites based on the visual impact they represent,
- Create guidelines and set standards for construction so the Town gets the look they are after, especially when the industry walks away from a site.
- Provide an administrative process for proposals that are fully compliant with the Town's codes in order to expedite the process.
- Provide the CUP process for any proposals asking for something special.

The most abrupt change in this amendment would be moving an actual section from one place to another.

Chairperson Rowitsch opened the public portion of the meeting.

Citizens that spoke had concerns relating to the possibility of adding a third layer of decision making with the administrative approvals proposed. That layer appears to remove the transparency in government and limits public input. Disagreed with the statement that relates to providing Town wide wireless service, because it implies that the Town is in the wireless business. Deletion of the 65 foot height limit and the objectivity of the Town Manager are in question due to his affiliation with the wireless industry.

Chairperson Rowitsch closed the public portion of the meeting.

Chairperson asked the Town Manager to address the comment about another layer of government.

Mr. Smith stated that they would not be adding another layer; they would be removing a layer of governmental process by carving out proposals that meet requirements to simplify the process which is a common approach. The applicant would need to meet significant requirement to achieve an administrative approval. Providing staff the ability to do some of the work without the Commission and Council process, the Town would effectively be providing an incentive to the industry to design and locate the facility where the Town wants it located. This allows a faster, less risky process for the industry. The purpose of the Town regulating these land uses is for the health, safety, and welfare of the community. There is a recognized correlation between robust wireless communications and a community's health, safety, welfare and economic vitality. Designing a zoning code to regulate a place and manner for which these facilities will be located, is to ensure the health, safety, and welfare of the community. The Federal Government says it's their objective to ensure that all Americans have access to wireless communications, and the Town recognizes that the robust distribution of wireless communications across our community offers quality of life to citizens that wouldn't be there if these wireless communications didn't exist. It is the Town's business to regulate where these facilities go and what they look like. In the telecommunications act of 1996, Congress specified that local government will regulate the manner and placement of these sites.

Mr. Smith stated that the ordinance specifically promotes co-locations; however if the height is limited to 65 feet, the centerline for the top set of antennas is at about 63 feet, and is not tall enough for multiple antennas to view enough area to serve the market. This restriction would force the industry to create more sites. Adding more height to an existing pole and regulating the impact on how they look, is more preferable to having multiple poles.

Mr. Smith commented that he has worked in the wireless industry in the past; however he does not currently operate a consulting firm. As soon as he was hired at the Town, he handed his projects off to his wife to complete. It is true that his LLC is not in good standing with the state, but that is due to the fact that he did not renew it. He then explained that when AT&T wanted to

construct a 99 foot tower he informed them of the height limit of 65 and instructed them that they would need to seek Commission and Council approval to deviate from the code and that is how

these amendments came about. The additional height limit was not acceptable to the Town, if the height limit is going to be relieved then there needs to be design requirements imposed in response to ensure the Town gets what they are looking for in terms of the infrastructure. The language proposed in the amendment is language that has been largely borrowed from other communities across the US that has already stood the test of litigation, and the Town attorney is also reviewing it.

To give the Commission a comfort level of the language, Mr. Smith briefly went through some of the specific requirements that the Town would be looking for with these projects, such as;

- Definitions and Purpose
- General Building Permit Requirements
- Descriptions of requirements for sites on Town owned property.
- Restriction on lighting
- Requirements regarding the type of information that must be submitted with permits.
- Requirements for sites in Quasi Residential Zones.
- Design Guidelines
- Setback Requirements
- Guidelines for Administrative Approval
- Relief for area's adjacent to Commercial Zoning
- Height Restrictions
- Guidelines for Equipment Enclosures, and Screening

Chairperson Rowitsch opened the public portion.

Commissioner Edmonds clarified that they were discussing a 99 foot tower, and asked about a requirement for a notarized letter stating applicants had intended to co-locate.

Mr. Smith stated that it wasn't included, but it could be requested of applicants to certify that they are willing to allow co-location to their site.

Commissioner Merritt commented that the Administrative Process has language that sets clear limits on what can be approved without Commission and Council input, and felt this would allow a more efficient process. He also felt that a height limit of 65 feet would not work for co-location.

Chairperson Rowitsch commented that she drove around looking for tall structures, (in CV & Phx) and the tallest item she found were light poles at ball fields and determined they were about 75 feet high, and felt that communications towers at that height would not be that noticeable. She felt that a height of 65 feet or more should be confined to Commercial or Industrial zoning, and the Town should regulate where different types of uses go, because that is the Town's job. She indicated she thought the language in this ordinance does that, but was a bit concerned with a

height of 100 feet and felt 80 feet would be a more appropriate, and could consider anything higher than that through the CUP process.

Commissioner Owen agreed that 65 feet would be impractical and felt that 80 feet would be an appropriate height for Administrative Approval within the Commercial and Industrial zoning districts.

Vice Chair Miner agreed that 80 feet or less in height could be approved administratively and anything above that would require a CUP for either a Quasi Residential, Commercial, and Industrial areas.

Commissioner Edmonds asked who is ultimately responsible for the permit process and if something goes wrong with the facility.

Mr. Smith stated the property owner is essentially responsible for the property. The owner generally constructs a lease with the applicant, and their agreement does not concern the Town. If the Town has to employ compliance measures on the property, then the owner is ultimately who is responsible.

Vice Chair Miner MOVED, seconded by Commissioner Merritt to forward this item to the Town Council with a recommendation of approval for the amendments to the Wireless Communications Section E.6.A.1 of the Unified Development Ordinance (UDO) with one change to limit the height of 80 feet for Administrative Approval.
MOTION CARRIED: 6-0

7B. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: The application for a Conditional Use Permit (CUP) for a wireless communication tower, 99-foot in height. Clear Blue Services, which is representing AT&T, is requesting the CUP to construct a new wireless communication tower located at 2655 North State Route (SR) 89 (Assessor's Parcel Number 306-14-021C). The site is located on the east side of SR 89 approximately 600 feet north of the Road 3 1/2 North alignment and consists of approximately one acre.

Dava Hoffman stated the request is for a 99 foot tower on a zoning district of Commercial Heavy which is surrounded by Commercial property. The applicant has complied with all the public notification process for this item. Staff has reviewed the request and determined the project is in compliance with section 1.9.3 of the UDO, and recommends approval for the requested CUP with the findings and stipulations as noted in the staff report.

Mr. Scott September, Acquisition Manager for AT&T Mobility, stated this site is significant to AT&T because for the first time in almost 100 years AT&T had less hook up's on the wire line network. The old landline is being disconnected at a rate of 70,000 customers every month. There is a significant shift in communications and AT&T needs to be competitive with their service as well as provide adequate coverage for their customers.

Adam Brixius, representative for Clear Blue Services gave a brief presentation outlining the project, its location, and the gap in coverage that AT&T is trying to close using this location. He indicated that 70% of emergency calls are made wirelessly and this service needs to be reliable. He also indicated that AT&T would be willing to provide a letter that this would be a co-locatable site, even though they do not have a co-locator at this time.

Mr. Brixius showed the coverage areas that would be acquired using this site and the requirement by the Federal Government to meet customers' demands.

Commissioner Merritt asked the applicant if they could get the coverage they need at a height of 80 ft.

Mr. September indicated that he could not answer that at his time and that it's more valuable for AT&T to continue with the CUP process and obtain the 99 feet. He stated they will look into whether or not 80 feet would serve their needs because using the Administrative process for approval would be more efficient in the future. The amendments the Commission considered tonight is important because it will enable applicants to easily and quickly understand how these sites should look and where they can be placed to achieve an Administrative Review.

Chairperson Rowitsch opened the public portion of the meeting.

On resident stated they had an opportunity to place a wireless communication tower on their property and refused because they felt it was too close to a residential structure. She wondered if the proposed tower would be 300 feet from the residential structure on the property. She also asked who takes responsibility if something goes wrong with this tower.

Mr. Smith indicated this tower is locating in a Commercial zone and that 300 foot setback would not apply in this case. That setback would apply for a tower going into park space, open space, a retention pond and other similar locations. He also indicated that the applicant and property owner would be named as those responsible.

Chairperson Rowitsch closed the public portion of the meeting.

The Commissioners indicated they were satisfied with the explanations presented, but would like to see if there is a significant difference in service between the 99 foot and 80 foot height, but it was pretty apparent the applicant wants to proceed with the CUP at this time. The property this particular tower will be on sits lower than the road so the tower will not visually appear that tall. There was concern for this tower and its proximity to the residential home and asked the applicant if they would consider moving the tower further north on the site. However residences on Commercial property have to expect the uses that are primarily allowed in the Commercial zoning district.

The Commission is taxed with looking at what is proposed at the present time, and needs to make a recommendation to the Town Council. One Commissioner stated that they were against the 99 foot tower when they walked in the door, however, after hearing the presentation, and the realization that the tower over at the Police Department is almost as tall, they have changed their mind and think the location and height is appropriate.

Chairperson Rowitsch closed the public portion of the meeting.

Vice Chair Miner MOVED, seconded by Commissioner Owen, to forward this item to the Town Council with a recommendation of approval for the Conditional Use Permit (CUP) to allow a 99 foot Communications Tower with the Findings and Stipulations as noted in the staff report.

MOTION CARRIED: 6-0

8. PUBLIC COMMENTS: None

9. ADJOURN: 8:15 p.m.

Acting Chairperson Miner Date: June 4, 2013