



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2019001 – Wireless Communication Facilities

Hearing Date: September 10, 2020

Supervisor District: All

Applicant: Commission-initiated

Requests: Text Amendment to amend Chapter 12, Wireless Communication Facilities; Section 1202, Article 1202.2 and

Text Amendment to amend Chapter 13, Conditional Use, Section 1303, Article 1303.2 to eliminate Conditional Use Permit of the Maricopa County Zoning Ordinance (MCZO)

EROP: This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). This matter was discussed at the February 27, 2020 Stakeholder meeting. One representative from Smartlink attended the Stakeholder meeting.

Municipal Comments: No comments received from EROP Notification process.

Support/Opposition: No letters of opposition/suggested changes to the proposed text. (No new public comment since the February 27, 2020 Stakeholder meeting.)

Recommendation: **Approval**

Project Summary:

This text amendment would amend the Maricopa County Zoning Ordinance (MCZO), Chapter 12 **Wireless Communication Facilities**, Section 1202, Article 1202.2 General Provisions to include language to reference federal requirements for eligible facilities requests.

This text amendment will amend the Maricopa County Zoning Ordinance (MCZO), Chapter 13 Conditional Use, Section 1303, Article 1303.2 to eliminate **Conditional Use Permit**.

The purpose of this text amendment is to eliminate the need for a conditional use permit to construct wireless communication facilities, provided such facilities meet Federal guidelines for "eligible facilities requests" and meet Maricopa County zoning regulations. In such cases, this amendment would remove the conditional use permit application and review process from the Maricopa County Zoning Ordinance since it is an unnecessary step in the entitlement and development process. In instances where wireless communication facilities do not meet federal guidelines and do not meet the zoning standards outlined in Chapter 12, a special use permit will still be required.

By removing the existing regulatory requirement for the noted conditional use permit application, this amendment would not create any additional regulations and would result in elimination of an existing but unnecessary regulations since the MCZO currently identifies these types of wireless communication facilities as by-right land use. Elimination of the conditional use permit application would allow property owners to proceed forward with building permits if all wireless communication standards can be met.

The proposed language was modified after comments were provided from industry representatives at and following the stakeholder meeting. The recommended text amendment language is shown in legislative edit format. Language to be added is underscored in blue. Language to be deleted is struck through in red.

SECTION 1202. WIRELESS COMMUNICATION FACILITIES^{*1, *2}

ARTICLE 1202.1. PURPOSE: *The principal purpose of this Section is to establish the locations in unincorporated Maricopa County where wireless communication and information system facilities may be located and the regulations that apply to their placement. The regulations contained herein are designed to recognize the need to accommodate the approval of those types of public utility uses while still recognizing the need to promote the public health, safety and general welfare of the citizens of Maricopa County. These regulations establish zoning standards that will protect the integrity of single-family neighborhoods and maintain the character, identity, and image of hillside areas.*

ARTICLE 1202.2. GENERAL PROVISIONS

- 1202.2.1 *Wireless communications facilities are permitted in all zoning districts subject to the provisions and standards outlined in this Section.*
- 1202.2.2 *Wireless communication facilities are permitted on individual lots of record, or on lease or easement areas described by metes and bounds of an area adequate to accommodate the tower structure and associated ground equipment for at least two carriers.*
- 1202.2.3 *The construction and location of wireless communication facilities and facilities for wireless information systems shall be subject to the standards contained in this regulation, unless otherwise noted herein.*
- 1202.2.4 *Wireless communication structures in excess of **199 feet** in height are prohibited unless co-locating on an existing structure (other than a wireless communication facility tower) and unless there is a plan to mitigate interference with military and commercial aircraft and to mitigate disruption of avian migration and nesting and to preserve nighttime skies for astronomical observation, and shall be required to obtain Special Use Permit approval of the Board of Supervisors. Structures of 199 feet or less in height shall not have lighting, unless said lighting is specific to*

*the purpose of a structure upon which a wireless communication facility is co-located.*1*

1202.2.5 *Facilities for public safety agencies are exempt from the requirements of this Section.*

1202.2.6 *The standards contained in this Section with regard to height, diameter, and design are concealment elements to ensure structures do not have an adverse visual impact or harm the public welfare.*

1202.2.7 *Any wireless communication facility properly permitted that existed as of June 10, 2015 shall be considered legal non-conforming with regard to This Section. Any change to a legal non-conforming wireless communication facility shall bring it into conformance with this Section or shall be subject to a Special Use Permit.*

1202.2.8. ~~*Any proposed wireless communication facility that*~~ **UNLESS QUALIFYING AS AN ELIGIBLE FACILITIES REQUEST UNDER SECTION 6409 OF THE SPECTUM ACT – AS DEFINED BY 47 CFR 1.4001 (B)(3) AS AMENDED – ANY PROPOSED WIRELESS COMMUNICATION FACILITY THAT** *cannot meet the standards outlined in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. ~~A facility that meets the standards shall be processed administratively as a Conditional Use Permit prior to obtaining construction permits.~~ Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance.*

ARTICLE 1202.3. STANDARDS: *The following standards shall apply to Wireless Communication Facilities.*1*

1202.3.1.1 **Location:**

1. *In Rural, Single-Family Residential or Multiple-Family Residential Zoning Districts, wireless communication facilities are permitted subject to the following limitations.*1*
 - a. *The maximum height of a wireless communications facility including the base, platform and attached antennae shall not exceed **80 feet** above grade or no greater than **15 feet** above the height of the structure (other than a wireless communication facility tower) onto which it will be attached.*
 - b. *Up to **two wireless communication facilities** may be mounted on a building and may include not more than **two microwave antennae dishes** with diameters of not more than **one and one half meters** (4.9 feet) each, and each being **15 feet** or less in height as measured above*

- c. *the roofline so long as the supporting structure is screened.*¹*
- d. *Towers and support structures shall have a maximum diameter of **30 inches** (2.5 feet).*
- e. *The color of a wireless communication facility shall be compatible with the surrounding environment. Exposed portions of the tower structure shall be non-reflective.*¹*
- f. *Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.*¹*
- g. *Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.*¹*
- h. *Wireless communication facilities shall be setback **2 feet** from all property lines for each **1 foot** in height (including tower and antenna attachments but not to include architectural features for stealth design), unless co-locating on a building/structure (other than a wireless communication facility tower). Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard.*
- i. *The maximum diameter of antenna arrays shall be **eight feet** measured from circumference line to circumference line through the center of the tower structure but not including architectural features for stealth design such as tree limbs, palm fronds, and windmill blades.*
- j. *The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)**.*
- k. *All ground-mounted equipment associated with a wireless communication facility shall be screened visually and to mitigate noise.*
- l. *Unless no greater in height than the maximum permitted building height for the respective zoning district or designed in a stealth manner acceptable to staff of the Maricopa County Planning and Development Department, the tower structure for a new wireless communication facility shall be*

located at least **1,000 feet** (radius) from any existing wireless communication facility tower structure. There is no separation requirement for facilities mounted on a building/structure (other than a wireless communication facility tower). A stealth design must observe reasonable site aspects to affect the stealth design. For example, stealth design as a tree must have live trees of the respective species imitated and of similar height located in proximity to the tower.

- m. Unless located within a building, a solid screen wall of a minimum **six feet high**, or to the height of intake/exhaust for HVAC and other equipment if higher, shall be constructed around the facility's ground equipment, and shall visually screen all equipment and mitigate noise. Associated panels for solar power generation do not require screening.*¹
- n. Generators will only be permitted for emergency purposes.
- o. All ground equipment accessory to the Wireless Communication Facility shall be setback at least three feet (3') from a lot line and shall not be located within a required front yard.

2. In Commercial or Industrial zoning districts, wireless communication facilities are permitted subject to the following limitations:*¹

- a. The wireless communication facility, if exceeding the height requirements of the zoning district in which it is located, shall be set back from a property line that abuts land located in a Rural or Residential Zoning District **one foot** for every **one foot** in height of the wireless communication facility (including tower and antenna attachments but not to include architectural features for stealth design), unless mounted on a building/structure other than a wireless communication facility tower. Notwithstanding the foregoing, the wireless communication facility shall be permitted to be located in alignment with the front of the principal building on the lot or parcel on which the wireless communication facility is erected. Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard.*¹
- b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed **120 feet above grade** or 15' above the height of the structure (other than a wireless communication facility tower) onto which it will be attached.*¹

- c. *There is no separation requirement for facilities in Commercial or Industrial zoning.*
 - d. *There is no limit to the number of Wireless Communication Facilities (including microwave dishes) that may be located on a building/structure in Commercial or Industrial zoning.*
 - e. *All standards of Article 1202.3.1.1 shall apply to facilities located within Commercial or Industrial zoning districts, unless specifically modified by the standards of Article 1202.3.1.2.*
3. *Any wireless communications facility or wireless information system facility proposed to be located on any property, tower or pole developed primarily for the transport, receiving or distribution of electricity or as an electric utility station, or other utility compound such as a water or wastewater treatment facility, are subject to the following limitations:*
- a. *Such properties, towers or poles include, but are not limited to:*
 - 1. *Substations;*
 - 2. *Receiving stations;*
 - 3. *Generating stations;*
 - 4. *Switching yards;*
 - 5. *Storage yards;*
 - 6. *Communications facilities; and*
 - 7. *Existing 500kV, 345kV, 230kV, 115kV, 69kV transmission lines.*
 - b. *The overall height of proposed new structures, antennas, attachments and appurtenances are limited to **125 feet** or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto structures (other than a wireless communication facility tower) are limited to a maximum height of **15 feet** above the height of the structure onto which it will be attached.*
 - c. *Ground equipment may be located on another parcel, but must be setback at least **three feet** from any lot line. This does not apply to the item below.*
 - d. *In addition 12kV transmission lines, guy/stub poles, light poles or towers may have close mount antennas (less than **12 inch** radius and pole mounted equipment*

SECTION 1303. CONDITIONAL USE^{*1}

ARTICLE 1303.2 CONDITIONAL USES: *Conditional Uses shall be limited to the following:*

1303.2.1. ~~Wireless Communication and information system facilities in accordance with Section 1202 of this Ordinance.~~

Next Steps:

A projected timeline for completion includes a tentative Board of Supervisors hearing date of October 7, 2020 with adopted language to become effective 30 days later, November 6, 2020.

Recommendation:

Staff recommends the Commission motion for **Approval** of TA2019001.

Prepared by: Rachel Applegate, Senior Planner
Reviewed by: Darren V. Gérard, AICP, Planning Manager

Attachment: 8/6/2020 ZIPPOR Packet (12 pages)



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2019001 – Wireless Communication Facilities

Meeting Date: August 6, 2020 (ZIPPOR)

Supervisor District: All

Applicant: Commission-initiated

Requests: Text Amendment to amend Chapter 12, Wireless Communication Facilities; Section 1202, Article 1202.2 and

Text Amendment to amend Chapter 13, Conditional Use, Section 1303, Article 1303.2 to eliminate Conditional Use Permit of the Maricopa County Zoning Ordinance (MCZO)

EROP: This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). This matter was discussed at the February 27, 2020 Stakeholder meeting. One representative from Smartlink attended the Stakeholder meeting.

Municipal Comments: No comments received from EROP Notification process.

Support/Opposition: No letters of opposition/suggested changes to the proposed text. (No new public comment since the February 27, 2020 Stakeholder meeting.)

Recommendation: **Initiate**

Project Summary:

This text amendment would amend the Maricopa County Zoning Ordinance (MCZO), Chapter 12 **Wireless Communication Facilities**, Section 1202, Article 1202.2 General Provisions to include language to reference federal requirements for eligible facilities requests.

This text amendment will amend the Maricopa County Zoning Ordinance (MCZO), Chapter 13 Conditional Use, Section 1303, Article 1303.2 to eliminate **Conditional Use Permit**.

The purpose of this text amendment is to eliminate the need for a conditional use permit to construct wireless communication facilities, provided such facilities meet Federal guidelines for "eligible facilities requests" and meet Maricopa County zoning regulations. In such cases, this amendment would remove the conditional use permit application and review process from the Maricopa County Zoning Ordinance since it is an unnecessary step in the entitlement and development process. In instances where wireless communication facilities do not meet federal guidelines and do not meet the zoning standards outlined in Chapter 12, a special use permit will still be required.

By removing the existing regulatory requirement for the noted conditional use permit application, this amendment would not create any additional regulations and would result in elimination of an existing but unnecessary regulations since the MCZO currently identifies these types of wireless communication facilities as by-right land use. Elimination of the conditional use permit application would allow property owners to proceed forward with building permits if all wireless communication standards can be met.

Comments:

After the Stakeholder meeting, staff received an e-mail from David G. Allen from American Tower Corporation regarding the proposed amended language for 1202.2.8. to clarify language regarding Eligible Facilities Request. See attached e-mail with modified language.

Upon further discussion and further evaluation staff is recommending modified language as follows to address comment raised by American Tower:

1202.2.8. ~~Any proposed wireless communication facility that~~ **DOES NOT MEET FEDERAL REQUIREMENTS FOR ELIGIBLE FACILITIES REQUESTS AND UNLESS QUALIFYING AS AN ELIGIBLE FACILITES REQUEST UNDER SECTION 6409 OF THE SPECTUM ACT – AS DEFINED BY 47 CFR 1.4001 (B)(3) AS AMENDED – ANY PROPOSED WIRELESS COMMUNICATION FACILITY THAT** cannot meet the standards outlined in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. ~~A facility that meets the standards shall be processed administratively as a Conditional Use Permit prior to obtaining construction permits.~~ Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance.

Proposed changes are shown in legislative edit format.

SECTION 1202. WIRELESS COMMUNICATION FACILITIES^{*1, *2}

ARTICLE 1202.1. PURPOSE: The principal purpose of this Section is to establish the locations in unincorporated Maricopa County where wireless communication and information system facilities may be located and the regulations that apply to their placement. The regulations contained herein are designed to recognize the need to accommodate the approval of those types of public utility uses while still recognizing the need to promote the public health, safety and general welfare of the citizens of Maricopa County. These regulations establish zoning standards that will protect the integrity of single-family neighborhoods and maintain the character, identity, and image of hillside areas.

ARTICLE 1202.2. GENERAL PROVISIONS

- 1202.2.1 Wireless communications facilities are permitted in all zoning districts subject to the provisions and standards outlined in this Section.
- 1202.2.2 Wireless communication facilities are permitted on individual lots of

record, or on lease or easement areas described by metes and bounds of an area adequate to accommodate the tower structure and associated ground equipment for at least two carriers.

- 1202.2.3 The construction and location of wireless communication facilities and facilities for wireless information systems shall be subject to the standards contained in this regulation, unless otherwise noted herein.
- 1202.2.4 Wireless communication structures in excess of **199 feet** in height are prohibited unless co-locating on an existing structure (other than a wireless communication facility tower) and unless there is a plan to mitigate interference with military and commercial aircraft and to mitigate disruption of avian migration and nesting and to preserve nighttime skies for astronomical observation, and shall be required to obtain Special Use Permit approval of the Board of Supervisors. Structures of 199 feet or less in height shall not have lighting, unless said lighting is specific to the purpose of a structure upon which a wireless communication facility is co-located. *1
- 1202.2.5 Facilities for public safety agencies are exempt from the requirements of this Section.
- 1202.2.6 The standards contained in this Section with regard to height, diameter, and design are concealment elements to ensure structures do not have an adverse visual impact or harm the public welfare.
- 1202.2.7 Any wireless communication facility properly permitted that existed as of June 10, 2015 shall be considered legal non-conforming with regard to This Section. Any change to a legal non-conforming wireless communication facility shall bring it into conformance with this Section or shall be subject to a Special Use Permit.
- 1202.2.8. ~~Any proposed wireless communication facility that~~ **DOES NOT MEET FEDERAL REQUIREMENTS FOR ELIGIBLE FACILITIES REQUESTS AND UNLESS QUALIFYING AS AN ELIGIBLE FACILITES REQUST UNDER SECTION 6409 OF THE SPECTUM ACT – AS DEFINED BY 47 CFR 1.4001 (B)(3) AS AMENDED – ANY PROPOSED WIRELESS COMMUNICATION FACILITY THAT** cannot meet the standards outlined in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. ~~A facility that meets the standards shall be processed administratively as a Conditional Use Permit prior to obtaining construction permits.~~ Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance.

ARTICLE 1202.3. STANDARDS: The following standards shall apply to Wireless Communication Facilities.*1

Location:

1. In Rural, Single-Family Residential or Multiple-Family Residential Zoning Districts, wireless communication facilities are permitted subject to the following limitations:^{*1}
 - a. The maximum height of a wireless communications facility including the base, platform and attached antennae shall not exceed **80 feet** above grade or no greater than **15 feet** above the height of the structure (other than a wireless communication facility tower) onto which it will be attached.
 - b. Up to **two wireless communication facilities** may be mounted on a building and may include not more than **two microwave antennae dishes** with diameters of not more than **one and one half meters** (4.9 feet) each, and each being **15 feet** or less in height as measured above the roofline so long as the supporting structure is screened.^{*1}
 - c. Towers and support structures shall have a maximum diameter of **30 inches** (2.5 feet).
 - d. The color of a wireless communication facility shall be compatible with the surrounding environment. Exposed portions of the tower structure shall be non-reflective.^{*1}
 - e. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}
 - f. Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*1}
 - g. Wireless communication facilities shall be setback **2 feet** from all property lines for each **1 foot** in height (including tower and antenna attachments but not to include architectural features for stealth design), unless co-locating on a building/structure (other than a wireless communication facility tower). Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard.

- i. The maximum diameter of antenna arrays shall be **eight feet** measured from circumference line to circumference line through the center of the tower structure but not including architectural features for stealth design such as tree limbs, palm fronds, and windmill blades.
 - j. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)**.
 - k. All ground-mounted equipment associated with a wireless communication facility shall be screened visually and to mitigate noise.
 - l. Unless no greater in height than the maximum permitted building height for the respective zoning district or designed in a stealth manner acceptable to staff of the Maricopa County Planning and Development Department, the tower structure for a new wireless communication facility shall be located at least **1,000 feet** (radius) from any existing wireless communication facility tower structure. There is no separation requirement for facilities mounted on a building/structure (other than a wireless communication facility tower). A stealth design must observe reasonable site aspects to affect the stealth design. For example, stealth design as a tree must have live trees of the respective species imitated and of similar height located in proximity to the tower.
 - m. Unless located within a building, a solid screen wall of a minimum **six feet high**, or to the height of intake/exhaust for HVAC and other equipment if higher, shall be constructed around the facility's ground equipment, and shall visually screen all equipment and mitigate noise. Associated panels for solar power generation do not require screening.*¹
 - n. Generators will only be permitted for emergency purposes.
 - o. All ground equipment accessory to the Wireless Communication Facility shall be setback at least three feet (3') from a lot line and shall not be located within a required front yard.
2. In Commercial or Industrial zoning districts, wireless communication facilities are permitted subject to the following limitations: *¹
- a. The wireless communication facility, if exceeding the height requirements of the zoning district in which it is located, shall be set back from a property line that abuts land located in a

Rural or Residential Zoning District **one foot** for every **one foot** in height of the wireless communication facility (including tower and antenna attachments but not to include architectural features for stealth design), unless mounted on a building/structure other than a wireless communication facility tower. Notwithstanding the foregoing, the wireless communication facility shall be permitted to be located in alignment with the front of the principal building on the lot or parcel on which the wireless communication facility is erected. Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard.*1

- b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed **120 feet above grade** or 15' above the height of the structure (other than a wireless communication facility tower) onto which it will be attached.*1
- c. There is no separation requirement for facilities in Commercial or Industrial zoning.
- d. There is no limit to the number of Wireless Communication Facilities (including microwave dishes) that may be located on a building/structure in Commercial or Industrial zoning.
- e. All standards of Article 1202.3.1.1 shall apply to facilities located within Commercial or Industrial zoning districts, unless specifically modified by the standards of Article 1202.3.1.2.

3. Any wireless communications facility or wireless information system facility proposed to be located on any property, tower or pole developed primarily for the transport, receiving or distribution of electricity or as an electric utility station, or other utility compound such as a water or wastewater treatment facility, are subject to the following limitations:

- a. Such properties, towers or poles include, but are not limited to:
 - 1. Substations;
 - 2. Receiving stations;
 - 3. Generating stations;
 - 4. Switching yards;
 - 5. Storage yards;
 - 6. Communications facilities; and
 - 7. Existing 500kV, 345kV, 230kV, 115kV, 69kV transmission lines.

- b. The overall height of proposed new structures, antennas, attachments and appurtenances are limited to **125 feet** or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto structures (other than a wireless communication facility tower) are limited to a maximum height of **15 feet** above the height of the structure onto which it will be attached.
- c. Ground equipment may be located on another parcel, but must be setback at least **three feet** from any lot line. This does not apply to the item below.
- d. In addition 12kV transmission lines, guy/stub poles, light poles or towers may have close mount antennas (less than **12 inch** radius and pole mounted equipment

SECTION 1303. CONDITIONAL USE*1

ARTICLE 1303.2 CONDITIONAL USES: Conditional Uses shall be limited to the following:

- 1303.2.1. ~~Wireless Communication and information system facilities in accordance with Section 1202 of this Ordinance.~~

Recommendation:

Staff recommends the Commission **initiate** TA2019001.

Next Steps:

If the Commission takes action to initiate the proposed text amendment, the amendment would be scheduled for the September 10, 2020 Planning and Zoning Commission. A projected timeline for completion includes a tentative Board of Supervisors hearing date of October 7, 2020 with adopted language 30 days after Board hearing for completion by November 6, 2020.

Prepared by: Rachel Applegate, Senior Planner
Reviewed by: Darren V. Gerard, AICP, Planning Manager

Attachments: 2/27/20 EROP Stakeholder Meeting sign in sheet (1 page)
E-mail from American Tower Corporation (4 pages)



Maricopa County
Planning and Development Department

**ENHANCED REGULATORY OUTREACH PROGRAM
STAKEHOLDER WORKSHOP –
TA2019001: WIRELESS COMMUNICATION FACILITIES**

Thursday, February 27, 2020

Name	Organization	Email
Patricia Ramsey	Smartlink	patricia.ramsey@smartlink.com

Smartlink.com

From: [David Allen](#)
To: [Darren V. Gérard \(PND\)](#); [Patricia Ramsey](#)
Cc: [Matthew Holm \(PND\)](#); [Rachel Applegate \(PND\)](#)
Subject: RE: TA2019001 re WCFs eligible facilities and elimination of CUP
Date: Wednesday, May 13, 2020 2:31:04 PM

That would be suitable for us.

Thanks,

David G. Allen

Attorney, US Tower Legal

American Tower Corporation

10 Presidential Way

Woburn, MA 01801

Office: (781) 926-7180

Mobile: (508) 843-4837

david.allen@americantower.com

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From: Darren V. Gérard (PND) <Darren.Gerard@Maricopa.Gov>
Sent: Wednesday, May 13, 2020 5:26 PM
To: David Allen <David.Allen@AmericanTower.com>; Patricia Ramsey <patricia.ramsey@smartlinkllc.com>
Cc: Matthew Holm (PND) <Matthew.Holm@Maricopa.Gov>; Rachel Applegate (PND) <Rachel.Applegate@Maricopa.Gov>
Subject: [EXTERNAL] RE: TA2019001 re WCFs eligible facilities and elimination of CUP

What about:?

1202.2.8.

Unless qualifying as an Eligible Facilities Request under Section 6409 of the Spectrum Act—as defined by 47 CFR 1.40001(b)(3) as amended— any proposed wireless communication facility that cannot meet the standards outlined in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance.

I don't think we need any mention of administrative process because we're deleting the CUP and

you'll go straight to building permit. Thoughts?

Darren V. Gérard, AICP
Planning Services Manager
Planning & Development
602-506-7139
Darren.Gerard@maricopa.gov

From: David Allen <David.Allen@AmericanTower.com>
Sent: Wednesday, May 13, 2020 2:01 PM
To: Darren V. Gérard (PND) <Darren.Gerard@Maricopa.Gov>
Cc: Patricia Ramsey <patricia.ramsey@smartlinkllc.com>
Subject: TA2019001 re WCFs eligible facilities and elimination of CUP

Hi Darren,

I hope you are doing well. Below please find the County's proposed change to Sec. 1202.2.8 along with American Tower's proposed language for this section. Please let me know if you have any questions or concerns, or if you would like to discuss further.

1202.2.8. Any proposed wireless communication facility that **DOES NOT MEET FEDERAL REQUIREMENTS FOR ELIGIBLE FACILITIES REQUESTS AND** cannot meet the standards outlined in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. ~~A facility that meets the standards shall be processed administratively as a Conditional Use Permit prior to obtaining construction permits.~~ Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance.

1202.2.8. Any proposed wireless communication facility that does not qualify as an Eligible Facilities Request under Section 6409 of the Spectrum Act—as defined by 47 CFR 1.40001(b)(3) as amended—and cannot meet the standards outlines in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. A facility that qualifies as an Eligible Facilities Request under 47 CFR 1.40001(b)(3) shall be processed administratively prior to obtaining construction permits. Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance.

Thanks,

David

David G. Allen
Attorney, US Tower Legal
American Tower Corporation
10 Presidential Way

Woburn, MA 01801
Office: (781) 926-7180
Mobile: (508) 843-4837

david.allen@americantower.com

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-----Original Appointment-----

From: Darren V. Gérard (PND) <Darren.Gerard@Maricopa.Gov>
Sent: Thursday, April 23, 2020 3:54 PM
To: Darren V. Gérard (PND); David Allen
Subject: [EXTERNAL] FW: GoToMeeting Invitation - TA2019001 re WCFs eligible facilities and elimination of CUP
When: Tuesday, April 28, 2020 11:35 AM-12:35 PM (UTC-07:00) Arizona.
Where:

-----Original Appointment-----

From: Darren V. Gérard (PND) <Darren.Gerard@Maricopa.Gov>
Sent: Thursday, April 23, 2020 12:31 PM
To: Darren V. Gérard (PND); Patricia Ramsey; Rachel Applegate (PND)
Subject: GoToMeeting Invitation - TA2019001 re WCFs eligible facilities and elimination of CUP
When: Tuesday, April 28, 2020 11:35 AM-12:35 PM (UTC-07:00) Arizona.
Where:

TA re WCFs
Tue, Apr 28, 2020 11:35 AM - 12:35 PM (MST)

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