

**Town of Prescott Valley
Guidelines and Procedures
Wireless Telecommunications Siting**

INTRODUCTION

The Town of Prescott Valley has developed these “Guidelines and Procedures for Wireless Telecommunications Siting” to assist those involved in the location, planning, design, licensing and construction of wireless telecommunications sites within the Town of Prescott Valley. These procedures describe a process by which antenna sites may be sited, developed, permitted and constructed, with the safety and efficiency of the codes and regulations of the Town of Prescott Valley, and in conformance with the 1998 Central Yavapai County Wireless Telecommunications Plan.

BACKGROUND

The Federal Telecommunications Act of 1996 (Act) was adopted by Congress to (a) reduce regulation in the telecommunications industry, (b) promote competition, and (c) encourage rapid deployment of new technology. Expecting new applications for wireless telecommunications sites, the Town of Prescott Valley (Town) joined with the City of Prescott and Yavapai County to develop a new telecommunications plan. A consultant was brought in and a joint plan was developed. Afterwards, each jurisdiction adopted and implemented the plan separately. Prescott Valley’s implementation most closely resembled what had been developed by the consultant. The Town plan (Plan) was adopted on June 11, 1998 as Chapter 9 of the General Plan. [Res 832] Implementation was through amendments to the Town Code by Ordinance No. 439 (June 28, 1998). The Plan is currently part of the General Plan 2025. [Subsection 4.2.4.8]

The Plan encourages placement of wireless telecommunications facilities (Wireless Facilities) in areas zoned “public lands” (PL). The reasons are that such areas (a) give service providers quick access to both commercial and residential areas with minimal impact on those areas, (b) allow greater government control over aesthetics and use of Wireless Facilities through lessor-lessee relationships, and (c) provide public revenues through rents. It is felt these benefits outweigh concerns of private owners who may wish to receive such revenues or concerns by the general public about potential risks from increased exposure to radio frequency emissions (RFEs). Related Town Code provisions seek to decrease proliferation of such Wireless Facilities by conditioning permission to build them on applicants’ willingness to allow subsequent providers to “collocate”. [Town Code §13-21-160(B)(3)] The Town Code provisions establish performance criteria relating to appearance and performance. The Plan and Town Code provisions together express a preference for not locating new Wireless Facilities within 300 feet of residential uses. [Town Code §13-221-110(E)(8); Plan p. 6] Nevertheless, the Plan specifically identifies certain areas as otherwise being good sites for Wireless Facilities even though they happen to be closer than 300 feet to residential uses.

Because §332(c)(7)(B)(iv) of the Act prohibits local regulation of Wireless Facilities based on “environmental effects of” RFEs (so long as Wireless Facilities comply with applicable Federal Communications Commission (FCC) regulations), the Plan and Town Code provisions may only require that Wireless Facilities meet those regulations. Applicants for special use permits on private property must also show that all their Wireless Facilities within 25 miles comply with the regulations. [Town Code §13-21-110(C)(18)] If the regulations change, owners of Wireless Facilities have 6 months from the effective date to bring their Wireless Facilities into compliance. [Town Code §13-21-160(B)(1)(e)] Although land owners in PL zones do not need special use permits (and may enter directly into lease

agreements with providers), they must first hold an informational meeting after giving public notice to owners of property located within 300 feet of the Wireless Facility. [Town Code §13-21-160(C)]

On August 13, 1998, the Town entered into an agreement with Allynx Corp (Allynx) granting it a right-of-first-refusal to lease Town property and then sublease the same to providers so that they may construct Wireless Facilities. On November 18, 1999, the Town adopted Ordinance No. 481 rezoning all Town property as PL (along with other government property, including property of the Humboldt Unified School District (HUSD) and the Central Yavapai Fire District (CYFD)). This also included property owned by a community facilities district which the Town had formed on September 24, 1998 in order to purchase the private water company which provided water service to most of the Town. On December 16, 1999, this district entered into an agreement with Allynx also granting it a right-of-first-refusal to lease district property for subleasing to providers. Ultimately, on March 13, 2008 the district was dissolved and its system was combined with the Town system. Thus, the Town is now the successor-in-interest to any property and related agreements held by the district.

GUIDELINES & PROCEDURES

Wireless Facilities siting is administered by the Town's Community Development Department (CDD). These CDD Guidelines and Procedures are intended to assist those involved in locating, planning, designing, licensing and constructing Wireless Facilities to serve customers in the Town.

The priority for Wireless Facilities sites that serve the Town is:

- a. Town properties
- b. Other publicly-controlled properties within the Town (e.g. HUSD and CYFD)
- c. Nearby properties controlled by the City of Prescott or Yavapai County
- d. Industrial areas within the Town
- e. Commercial areas within the Town

Only in cases where there is no suitable location involving the first three categories above will staff process applications for use permits under Town Code §13-21-110 to locate Wireless Facilities in Industrial or Commercial areas within the Town.

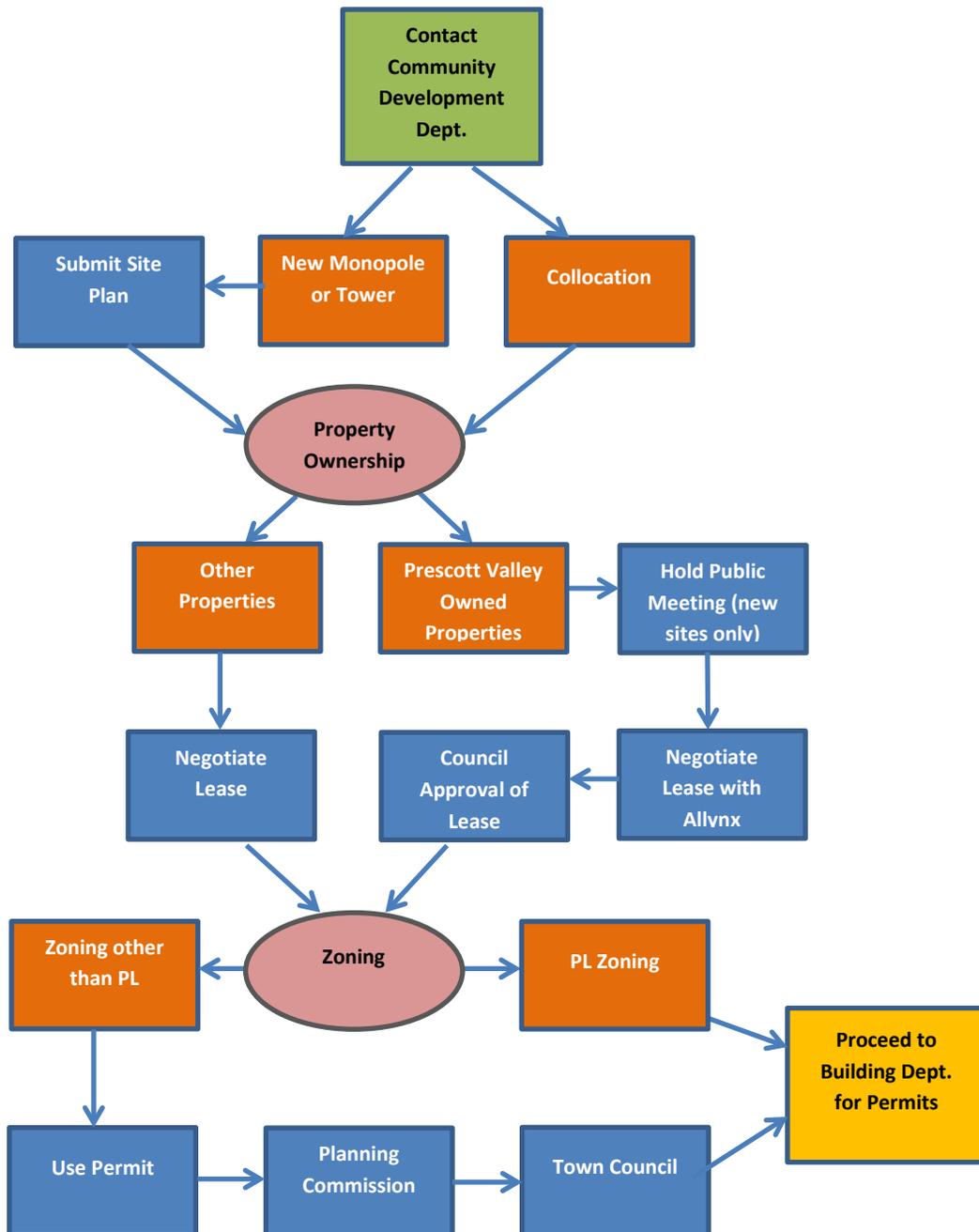
In cases where Town properties or other publicly-controlled properties within the Town are the most suitable sites, applicants will be directed to hold a public informational meeting after giving written notice to all owners of real property within 300 feet of the proposed Wireless Facilities. [Town Code §13-21-160(C)] With regard to Town properties, applicants will be directed to Allynx for negotiation of a sublease. After successful completion of these steps, applicants will be directed to the Building Department for permits to construct Wireless Facilities in accordance with Town Code §13-21-160.

Applications for siting of Wireless Facilities begin with submittal to CDD of a preliminary site plan (Site Plan). The Site Plan shall include:

- an inventory of other Wireless Facilities serving the Town (currently in use, under construction, or in the application process);
- a map showing all properties within 300 feet of the proposed Wireless Facility;
- a map showing all adjacent roads and means of access to the site;

- a map showing setback distances from the nearest residential unit and the other facilities listed in the inventory; and
- descriptions of proposed exterior elevations, landscaping, method of fencing, tower coloration, materials, illumination, and camouflage.

Process Flow Chart



Current Prescott Valley Cell Facilities

