

Small Cell Policy Priorities

February 9, 2017

In the creation of any legislation, there is a great deal of debate on various policy issues. The proposed small cell bills have multiple policy issues. This draft list is intended to facilitate discussion on which policies are most important and least important to the Paradise Valley Town Council. Knowing this priority order will help those involved in lobbying determine which things to hold firm on and which things to compromise.

1. ROW Location – The ability to manage where and how much space small cell infrastructure will take.
2. Height – Ability to manage how high (above an existing pole or in total) a small cell tower may be. This might also include the height of the equipment cabinet.
3. Size – The ability to regulate the diameter of the tower, the number of pieces of equipment on the tower, and the square footage of the equipment cabinet.
4. Aesthetics – The ability to decide what is acceptable camouflage and/or related design standards. This would include screening of ground level infrastructure/equipment cabinets.
5. Permit Process – The ability to control who reviews and how much time is allowed to review an application. Does it become entirely administrative (staff) or partially legislative with the Planning Commission on a conditional use permit (CUP).
6. Co-location – The ability to force carriers to co-locate on ROW infrastructure.
7. New Poles – The ability to limit the placement of new street light poles in order to facilitate small cell infrastructure.
8. Scope – Limit this legislation to small cell and distributed antenna systems (DAS) but not include macro antenna infrastructure.
9. Indemnification – The ability to require indemnification from carriers with infrastructure located in Town ROW or on Town poles from damage caused by them, vehicles, or other impacts.
10. Fees – The ability to manage the fee to be paid to the Town for use of its public ROW. This also includes the concern in forcing existing contractually agreed upon fees to be reduced to statutorily determined levels.
11. Master Lease Agreements – Ability to contract with carriers or third party tower companies to voluntarily agree to all of these policy issues that may be more stringent than state prescribed standards.
12. Statutory Placement – The preference to locate these regulatory statutes in Chapter 9 with Cities versus Chapter 11 with Counties.