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2 When recorded, return to:
3 Paradise Valley Town Attorney
4 6401 East Lincoln Drive
5 Paradise Valley, Arizona 85253
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7
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9
10

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20100584331,07/09/2010 04:08
ELECTRONIC RECORDING
ORDINANCE625-5-1-1--,N

11 **ORDINANCE NUMBER 625**
12

13 **AN ORDINANCE OF THE TOWN OF PARADISE**
14 **VALLEY, ARIZONA, ISSUING A SPECIAL USE**
15 **PERMIT TO THE TOWN OF PARADISE VALLEY AND**
16 **AMENDING THE ZONING ORDINANCE AND**
17 **AMENDING THE ZONING MAP TO ALLOW FOR THE**
18 **INSTALLATION OF NEW OR MODIFIED UTILITY**
19 **POLES (FOR A DISTRIBUTED ANTENNA SYSTEM) IN**
20 **THE TOWN OF PARADISE VALLEY RIGHT-OF-WAY,**
21 **PROVIDING FOR SEVERABILITY; AND PROVIDING**
22 **FOR AN EFFECTIVE DATE.**
23

24 WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on June
25 1, 2010 and June 15, 2010, in the manner prescribed by law, for the purpose of considering a
26 new Special Use Permit to allow the Town of Paradise Valley to install, or to allow the
27 installation by Newpath Networks of, new utility poles associated with a distributed antenna
28 system in the Town right-of-way, and recommended approval to the Town Council; and
29

30 WHEREAS, the Town Council, at its meeting of July 8, 2010, held a public hearing as
31 prescribed by law to hear Ordinance No. 625 (a new Special Use Permit) and take action on
32 Ordinance No. 625 (a new Special Use Permit), pursuant to the prior recommendation for
33 approval by the Planning Commission and with modifications or changes to the terms and
34 conditions of Ordinance No. 625 (a new Special Use Permit) as the Town Council deems fit
35 and appropriate; and to amend the Town Official Zoning Map to reflect the location of each
36 new utility pole approved by issuance of the Special Use Permit.
37

38 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL**
39 **OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:**
40

41 SECTION 1. Special Use Permit. The issuance of a new Special Use Permit for specific
42 locations in the Town's right-of-way (said locations to be as shown indicated in Exhibit B, the
43 DAS Master Plan for Paradise Valley, AZ, attached hereto and made part hereof) is hereby
44 created to allow for use of the right-of-way for utility poles associated with a distributed
45 antenna system, including antenna nodes on traffic signal poles, street light poles, and faux
46 saguaro cactus, subject to the stipulations set forth in Exhibit A hereto, made a part hereof by
47 this reference. The Special Use Permit is approved as indicated in Exhibit B, DAS Master
48 Plan for Paradise Valley, AZ. The proposed amendment is in accordance with Section 1102
49 of the Town Zoning Ordinance, specifically:

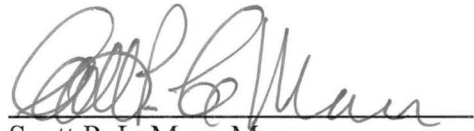
- The construction or development of improvements that create substantial public benefits.
- It will not be detrimental to, interfere with or adversely affect existing uses or character of adjacent properties, persons residing or working in the vicinity, the neighborhood, the public health, safety, peace, comfort, and general welfare, or the purpose of the zone in which it is proposed, and
- It will be in full conformity to any conditions, requirements, or standards prescribed in the permit, in the zoning ordinance, and the ordinances of the town.

SECTION 2. Amendment to Town Zoning Map. The Town's Official Zoning Map is hereby amended to include, by asterisks (*) at each utility pole/antenna node location, the location of each antenna node that is part of the DAS (as shown in Exhibit B, the DAS Master Plan for Paradise Valley, AZ), along with a note on the Official Zoning Map referencing the approval by this Ordinance of a new SUP for each such new utility pole location.

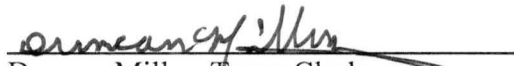
SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.


PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this 8th day of July 2010.


Scott P. LeMarr, Mayor

SIGNED AND ATTESTED TO THIS 9th DAY OF July 2010.


Duncan Miller, Town Clerk

APPROVED AS TO FORM:


Andrew Miller, Town Attorney

**EXHIBIT A
TO
ORDINANCE NUMBER 625**

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR NEW UTILITY POLES
TO BE USED FOR A DISTRIBUTED ANTENNA SYSTEM
SUP-10-4**

I. PROJECT DESCRIPTION

Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona ("Town"), the Town hereby grants to the Town of Paradise Valley, its successors and assigns, this Special Use Permit allowing for the installation of new or modified utility poles within the Town's right-of-way for a distributed antenna system (DAS) subject to and in accordance with these stipulations.

II. STIPULATIONS

1. The Distributed Antenna System improvements shall be in substantial compliance with the following attached documents:
 - a. DAS Master Plan for Paradise Valley, AZ booklet dated June 24, 2010 with antenna node H238 relocated to the new proposed location on the North side of Northern Avenue, east of N. Mockingbird Lane as shown on the revised aerial, photo-simulation, and land-use plan dated July 6, 2010 and with antenna node H678 relocated south of Option A on the east side of Arroyo south of Desert Jewel up to the northern boundary of the wash delineation with additional redesign by the licensee.
 - b. Saguaro Cactus Standard Features submitted on June 15, 2010 with the Larson paint list attached for reference.
2. The Distributed Antenna System shall be limited to five (5) carriers and/or twelve (12) amplifiers unless a Minor Amendment to the Special Use Permit is granted, the RF Exposure Report is updated, and no changes are made to the approved antenna node equipment. Aesthetic changes to the approved antenna equipment or the addition of new antenna nodes shall require an Intermediate Amendment to the Special Use Permit.
3. The faux rocks installed in conjunction with the individual antenna nodes shall be painted to match the surrounding conditions.
4. The electrical disconnect installed in conjunction with the individual antenna nodes shall be painted to match the surrounding conditions and be located as low to the ground as possible.
5. The vaults installed in conjunction with the individual antenna nodes shall be flush with the ground.
6. Town of Paradise Valley staff shall inspect each node site in the field after antenna and fiber installation is complete to determine if landscaping, painting, and overall installation is adequate. Any licensee of the Town using the DAS shall make adjustments per Town staff's direction including but not limited to additional landscaping and paint adjustments.

- 1 7. The DAS shall meet the current FCC RF Guidelines and any amendments thereto. If
2 FCC Guidelines are changed, then the DAS shall be brought into compliance with such
3 revised guidelines within the time period provided by the FCC or if no time period is
4 stated, then within sixty (60) days of the effective date of such guidelines.
- 5 8. Any licensee of the Town using the DAS shall install an 8" x 12" "RF Caution" metal
6 plate on the vault hatch at each antenna location in substantial compliance with the
7 template provided by Newpath Networks dated June 24, 2010.
- 8 9. No permits for any licensee of the Town using the DAS shall be issued for the fiber
9 installation or antenna node installations until the Town Council approves a license
10 agreement, or any equivalent thereof, for a licensee or other authorized user to utilize
11 the DAS.
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**EXHIBIT B
TO
ORDINANCE NUMBER 625**

(DAS Master Plan for Paradise Valley, AZ Booklet dated June 24, 2010)

**On file at the Town Clerk's Office
Town of Paradise Valley
6401 E Lincoln Drive
Paradise Valley, AZ 85253**

Saguaro Cactus Standard Features
June 15, 2010

Maximum installed height 24 feet

Cactus exterior is durable structural-grade fiberglass shell.

Cactus structure is galvanized steel pole with permanent hidden lift eyebolt at top.

Cactus to withstand 90 mile per hour wind in accordance with Design Criteria Per ANSI/TIA-222-G

Basic saguaro configuration with six ribs per foot of circumference
Outside diameter (OD) of cactus 4" greater than the inside diameter (ID).
Ribs are 2 inches deep and pleated with natural look and realistic texture

Tapered top, upper 6.5 feet cactus tapered inward 1.15inch per foot, 7.45 inch total

Tapered base, lower 3 feet cactus tapered inward 1.15inch per foot, 3.45 inch total

Access panels are carved into "skin" following rib lines to minimize appearance
Mounting hardware concealed and flush with "skin"

Five age-zone paint design

- **Zone V:** [18'-24'] New Growth – (2) tones of green
- **Zone IV:** [18'-14'] Young Growth – (3) tones of green w/ accents in various locations
- **Zone III:** [14'-10'] Intermediate – (3) tones of green and reduction of color accents
- **Zone II:** [10'-4'] Mature Growth – (3) Tones of green color accent over base greens: yellows, browns, and whites
- **Zone I:** [4'- soil] Base – brown/gray and heavily aged
- **Zones 11 to V** have 2-tone individual airbrushed faux needles. Needles located on edge of ribs spaced approximately 2 to 3 inches apart.
- **All zones:** 3-tone scars and dead areas artistically placed
- **All zones:** Inset and 3-tone painted Gila woodpecker holes
- **Paint :**Ultraviolet resistant latex paint, colors, using Larson paint list attached

Internal antenna mount locations

1710 to 2170 MHz 20 feet from ground

776 to 869 MHz 16 feet from ground

LARSON PAINT COLORS FOR FIVE AGE-ZONE DESIGN
June 15, 2010

Two Tone Green Basic Colors:

SW 6417	Tupelo Green
SW6424	Tansy Green (Old)
SW6418	Rural Green (New)

Varied Tone "Aging" Colors:

SW 7005	Pure White	SW 6815	Escape Gray
SW 6131	Chamois	SW 6816	Dried Thyme
SW 6232	Misty	SW 6027	Retreat

Faux Needles:

SW 7005	Pure White
SW 6994	Greenblack

Scars & Woodpecker Holes:

SW 6060	Java
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Note: All paints are Sherwin/Williams exterior rated, ultraviolet resistant latex.

existing



proposed



newpath
NETWORKS

Paradise Valley, AZ

H219

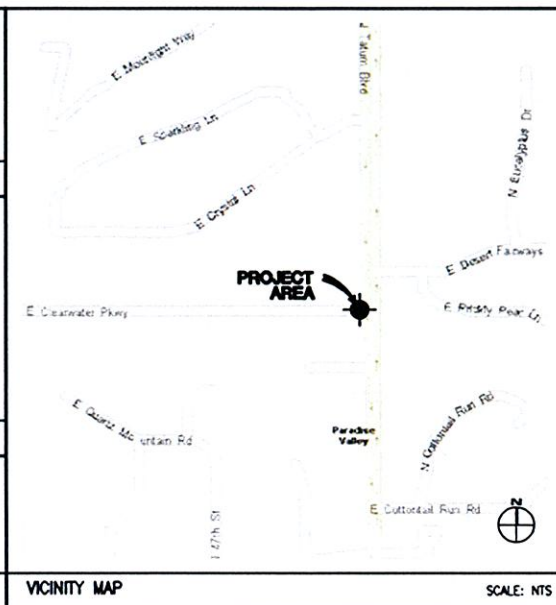
E Clearwater Pkwy & N Tatum Blvd



NewPath Networks H219

Streetlight on the NWC of N. Tatum Blvd. & E. Clearwater Pkwy.

APPLICANT NEWPATH NETWORKS 6908 E THOMAS ROAD, SUITE 201 SCOTTSDALE, AZ 85251 TEL: 480.225.0151 CONTACT: STEPHEN GARCIA	ARCHITECT PB TELECOM, INC. 303 BATTERY STREET SEATTLE, WA 98121 TEL: 206.838.9275 FAX: 206.838.5021 CONTACT: ROY LORETE
PROJECT TEAM NEWPATH NETWORKS PROPOSES TO PROVIDE AN ENHANCED RESIDENTIAL WIRELESS COMMUNICATIONS SYSTEM FOR THE PARADISE VALLEY COMMUNITY, LOCATED IN THE TOWN OF PARADISE VALLEY, ARIZONA. THE SYSTEM WILL IMPROVE CELLULAR COMMUNICATIONS AND INCREASE CALL CAPACITY IN RESIDENTIAL AREAS. THE NETWORK AND ASSOCIATED EQUIPMENT HAVE BEEN DESIGNED TO MINIMIZE VISUAL IMPACTS IN URBAN SETTINGS. THE PROPOSED SYSTEM WILL PROVIDE A CELLULAR NETWORK THAT CAN BE UTILIZED SIMULTANEOUSLY BY DIFFERENT LICENSED TELECOMMUNICATIONS COMPANIES. THIS PROPOSAL WILL CONSIST OF NODE SITES AT KEY LOCATIONS THROUGHOUT THE PARADISE VALLEY COMMUNITY. A SUBJECT NODE WILL CONSIST OF GROUND MOUNTED EQUIPMENT AND REPLACEMENT LIGHT POLE SPECIFICALLY ENGINEERED TO SUPPORT THE PROPOSED NETWORK ANTENNAS. THE REPLACEMENT POLE WILL NOT EXTEND MORE THAN 6'-0" ABOVE THE EXISTING POLE HEIGHT. THE RADIO EQUIPMENT WILL BE MOUNTED INSIDE OF THE LIGHT POLE. THE ANTENNA CANISTER, LOWER ANTENNAS (FUTURE) AND MOUNTING BRACKETS WILL BE PAINTED TO MATCH THE POLE. THE COLOR WILL MATCH THE ORIGINAL POLE OR BE PAINTED PER THE TOWN OF PARADISE VALLEY REQUIREMENTS.	
PROJECT DESCRIPTION CURRENT - TOWN OF PARADISE VALLEY CODE 2005 - NATIONAL ELECTRICAL CODE 2006 - INTERNATIONAL BUILDING CODE 2006 - INTERNATIONAL FIRE CODE HANDICAPPED REQUIREMENTS: -FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. -HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED.	
CODES	



SECTION-TOWNSHIP-RANGE	5-2N-4E
QUARTER-SECTION	23-39
POLE TYPE:	LIGHT POLE
ASSIGNED ADDRESS:	TBD BY TOWN OF PARADISE VALLEY
NEAREST RESIDENTIAL ADDRESS:	4836 E CLEARWATER PARKWAY
UPPER ANTENNA RAD CENTER:	35'-1"
LOWER ANTENNA RAD CENTER:	27'-10"
SITE INFO	

KEY	DESCRIPTION
A02	PROPOSED NEWPATH NETWORKS PANEL ANTENNA
A03	PROPOSED NEWPATH NETWORKS "SHUGMOUNT" PANEL ANTENNAS; PAINT TO MATCH POLE
A04	PROPOSED NEWPATH NETWORKS ANTENNA CANISTER; PAINT TO MATCH POLE
A05	PROPOSED NEWPATH NETWORKS 10' COAX COVER
A06	PROPOSED REPLACEMENT LIGHT POLE
A22	PROPOSED NEWPATH NETWORKS REMOTE UNIT(S)
A27	PROPOSED NEWPATH NETWORKS BOLLARD (FUTURE EQUIPMENT STEALTHING STRUCTURE); 3'-6" HEIGHT MAX
A29	PROPOSED NEWPATH NETWORKS UNDERGROUND CONC FIBER VAULT, SEAL WATER TIGHT
A30	PROPOSED NEWPATH NETWORKS LANDSCAPE PLANTINGS
A33	PROPOSED NEWPATH NETWORKS FAUX ROCK (BATTERY BACKUP EQUIPMENT STEALTHING)
E11	PROPOSED NEWPATH NETWORKS PANEL W/ DISCONNECT; PAINTED TO MATCH POLE

KEY NOTE LEGEND

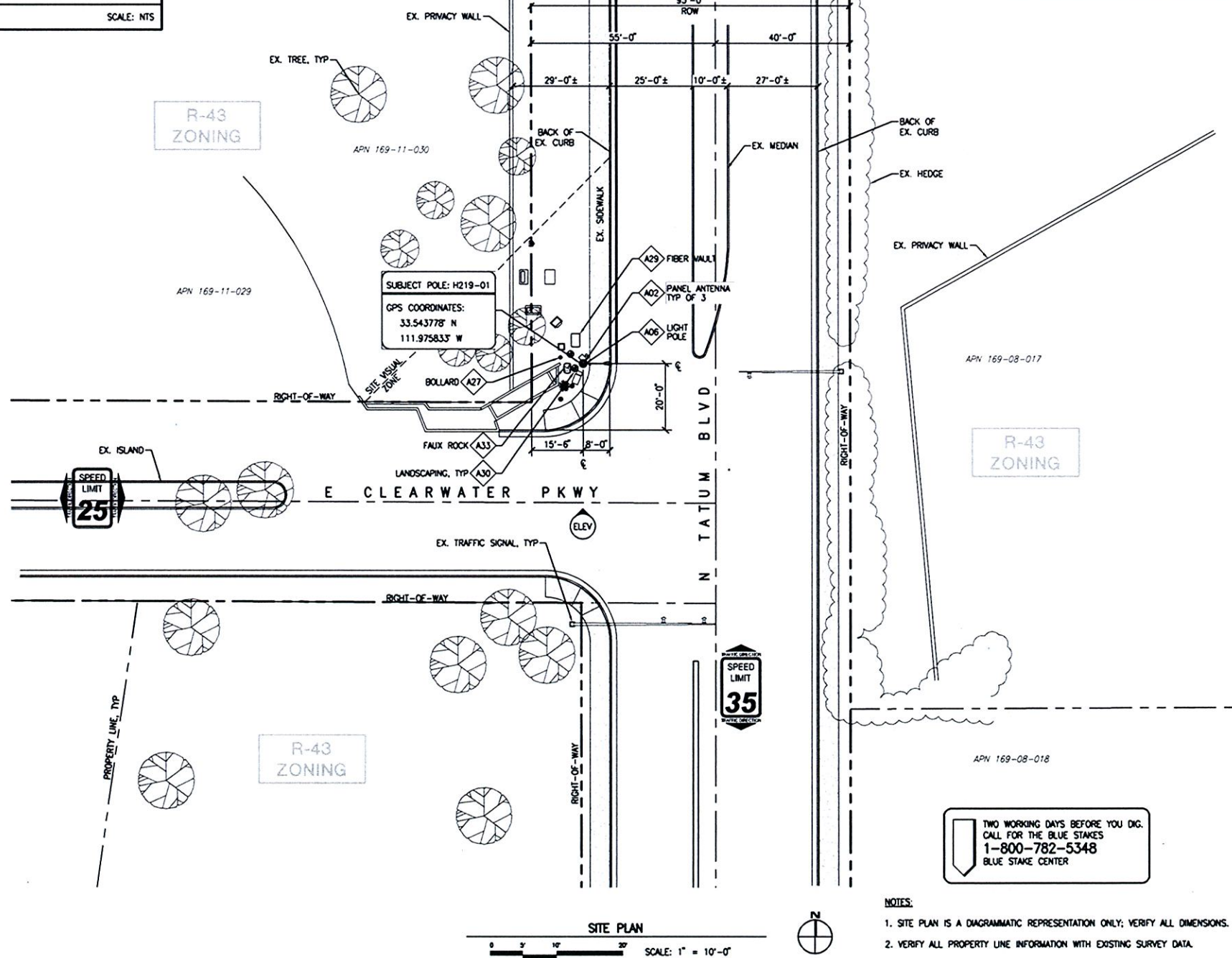
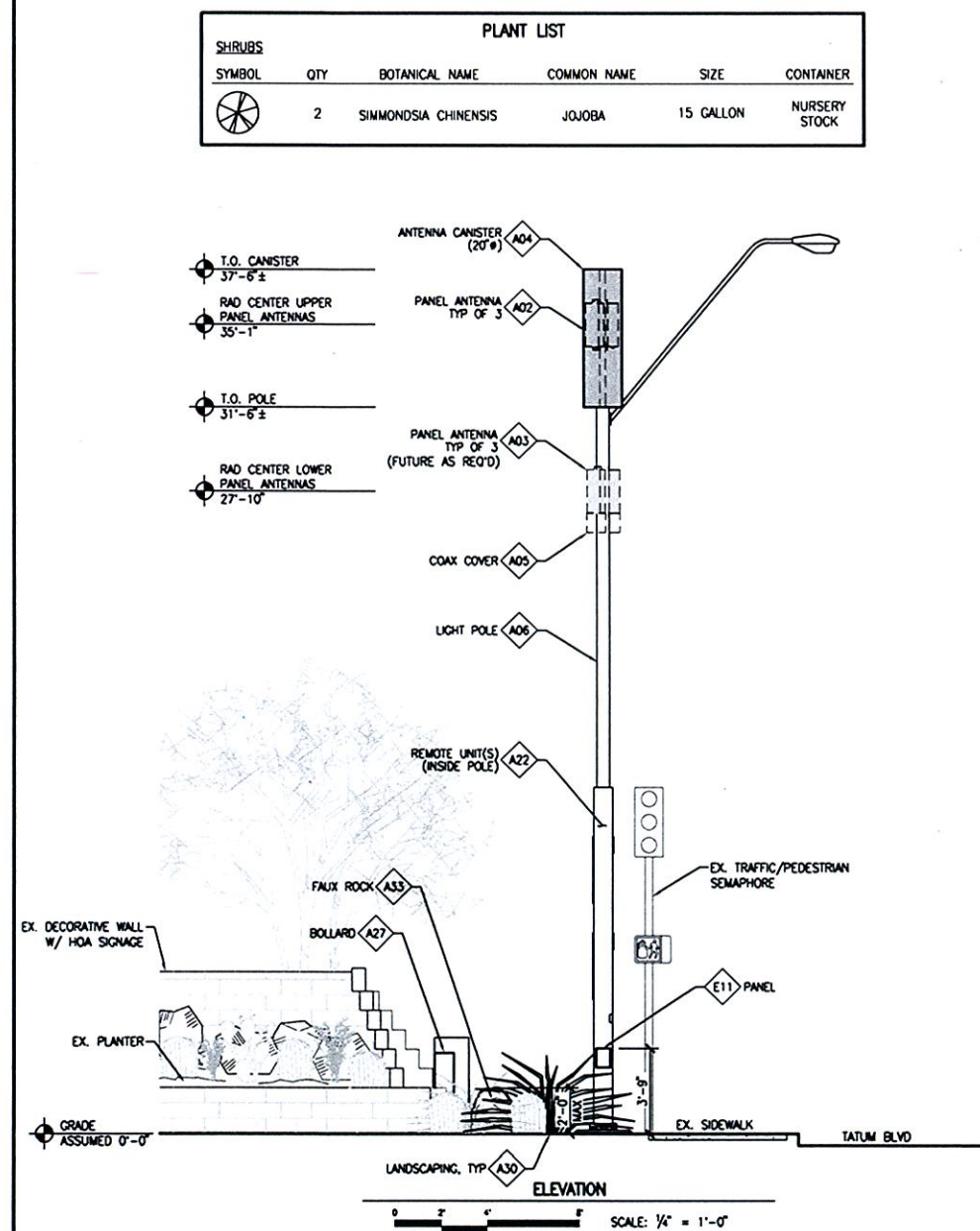
newpath NETWORKS

NewPath Networks, LLC
768 GARFIELD STREET
SEATTLE, WA 98109
ph: 206.550.3858
fax: 206.633.2768

PB TELECOM

303 BATTERY STREET SEATTLE, WA 98121
206.838.9275
206.838.5021

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RELEASE	
DATE	LUP
12MAY10	
PROJECT NAME	
PARADISE VALLEY	
MODE ADDRESS	
H219-01 N TATUM BLVD E CLEARWATER PARKWAY	
PROJECT AREA	
PARADISE VALLEY	
PBT JOB NUMBER	IN HOUSE
290210	DRAWN BY: PBT CHECKED BY: RL
SHEET TITLE	
LUP BASE DRAWING	
SHEET	PAGE
LUP-1	1 OF 1
PLOT SCALE: 1:1 @ 24"x36"; 1:2 @ 11"x17"	

existing



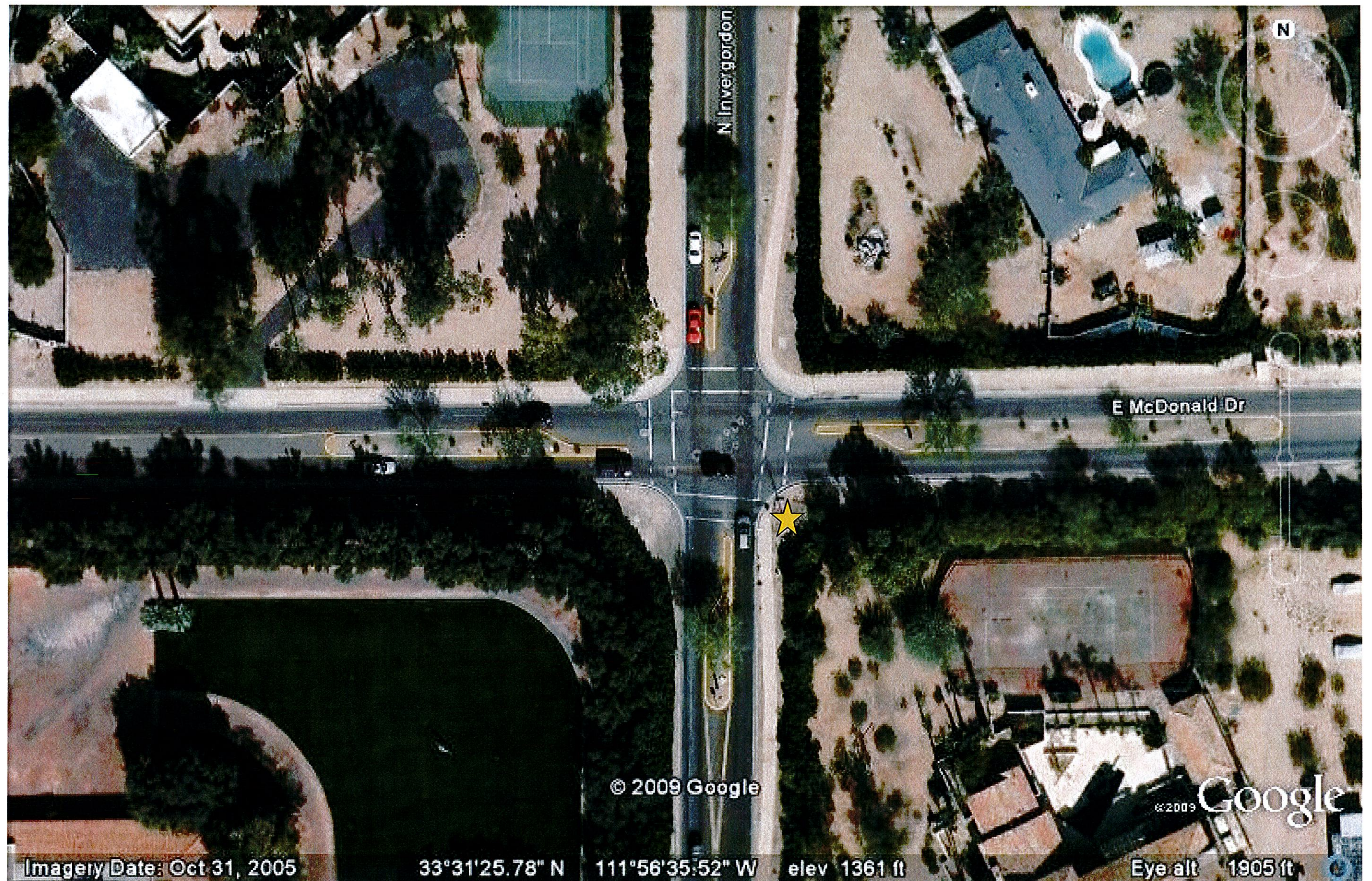
proposed



Paradise Valley, AZ

H228

E McDonald Dr & N Invergordon Rd



NewPath Networks H228 Streetlight at the SEC of E. McDonald Dr. & N. Invergordon Rd.

APPLICANT
NEWPATH NETWORKS
6908 E THOMAS ROAD, SUITE 201
SCOTTSDALE, AZ 85251
TEL: 480.225.0151
CONTACT: STEPHEN GARCIA

ARCHITECT
PB TELECOM, INC.
303 BATTERY STREET
SEATTLE, WA 98121
TEL: 206.838.9275
FAX: 206.838.5021
CONTACT: ROY LORETE

PROJECT TEAM

NEWPATH NETWORKS PROPOSES TO PROVIDE AN ENHANCED RESIDENTIAL WIRELESS COMMUNICATIONS SYSTEM FOR THE PARADISE VALLEY COMMUNITY, LOCATED IN THE TOWN OF PARADISE VALLEY, ARIZONA. THE SYSTEM WILL IMPROVE CELLULAR COMMUNICATIONS AND INCREASE CALL CAPACITY IN RESIDENTIAL AREAS. THE NETWORK AND ASSOCIATED EQUIPMENT HAVE BEEN DESIGNED TO MINIMIZE VISUAL IMPACTS IN URBAN SETTINGS. THE PROPOSED SYSTEM WILL PROVIDE A CELLULAR NETWORK THAT CAN BE UTILIZED SIMULTANEOUSLY BY DIFFERENT LICENSED TELECOMMUNICATIONS COMPANIES.

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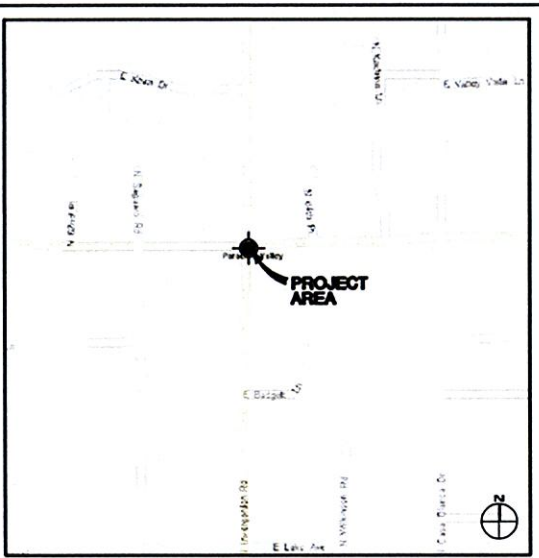
PROJECT DESCRIPTION

CURRENT - TOWN OF PARADISE VALLEY CODE 2005 - NATIONAL ELECTRICAL CODE
2006 - INTERNATIONAL BUILDING CODE 2006 - INTERNATIONAL FIRE CODE

HANDICAPPED REQUIREMENTS:
-FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.
-HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED.

PLUMBING REQUIREMENTS:
-FACILITY HAS NO PLUMBING.

CODES



VICINITY MAP SCALE: NTS

SECTION-TOWNSHIP-RANGE	15-2N-4E
QUARTER-SECTION	20-43
POLE TYPE:	LIGHT POLE
ASSIGNED ADDRESS:	TBD BY TOWN OF PARADISE VALLEY
NEAREST RESIDENTIAL ADDRESS:	5809 N INVERGORDON RD
UPPER ANTENNA RAD CENTER:	35'-1"
LOWER ANTENNA RAD CENTER:	27'-10"
SITE INFO	

I	DESCRIPTION
A02	PROPOSED NEWPATH NETWORKS PANEL ANTENNA
A03	PROPOSED NEWPATH NETWORKS "SHUGMOUNT" PANEL ANTENNAS; PAINT TO MATCH POLE
A04	PROPOSED NEWPATH NETWORKS ANTENNA CANISTER; PAINT TO MATCH POLE
A05	PROPOSED NEWPATH NETWORKS 10" COAX COVER
A06	PROPOSED REPLACEMENT LIGHT POLE
A22	PROPOSED NEWPATH NETWORKS REMOTE UNIT(S)
A29	PROPOSED NEWPATH NETWORKS UNDERGROUND CONC FIBER VAULT, SEAL WATER TIGHT
A30	PROPOSED NEWPATH NETWORKS LANDSCAPE PLANTINGS
A33	PROPOSED NEWPATH NETWORKS FAUX ROCK (BATTERY BACKUP EQUIPMENT STEALTHING)
A53	PROPOSED NEWPATH NETWORKS EMERGENCY MARKER (NODE IDENTIFICATION) SIGNAGE
E02	PROPOSED NEWPATH NETWORKS ELECTRICAL JUNCTION BOX, SUPPLIED BY APS, INSTALLED BY CONTRACTOR
E11	PROPOSED NEWPATH NETWORKS ELECTRICAL PANEL W/ DISCONNECT, PAINTED TO MATCH POLE
KEY NOTE LEGEND	

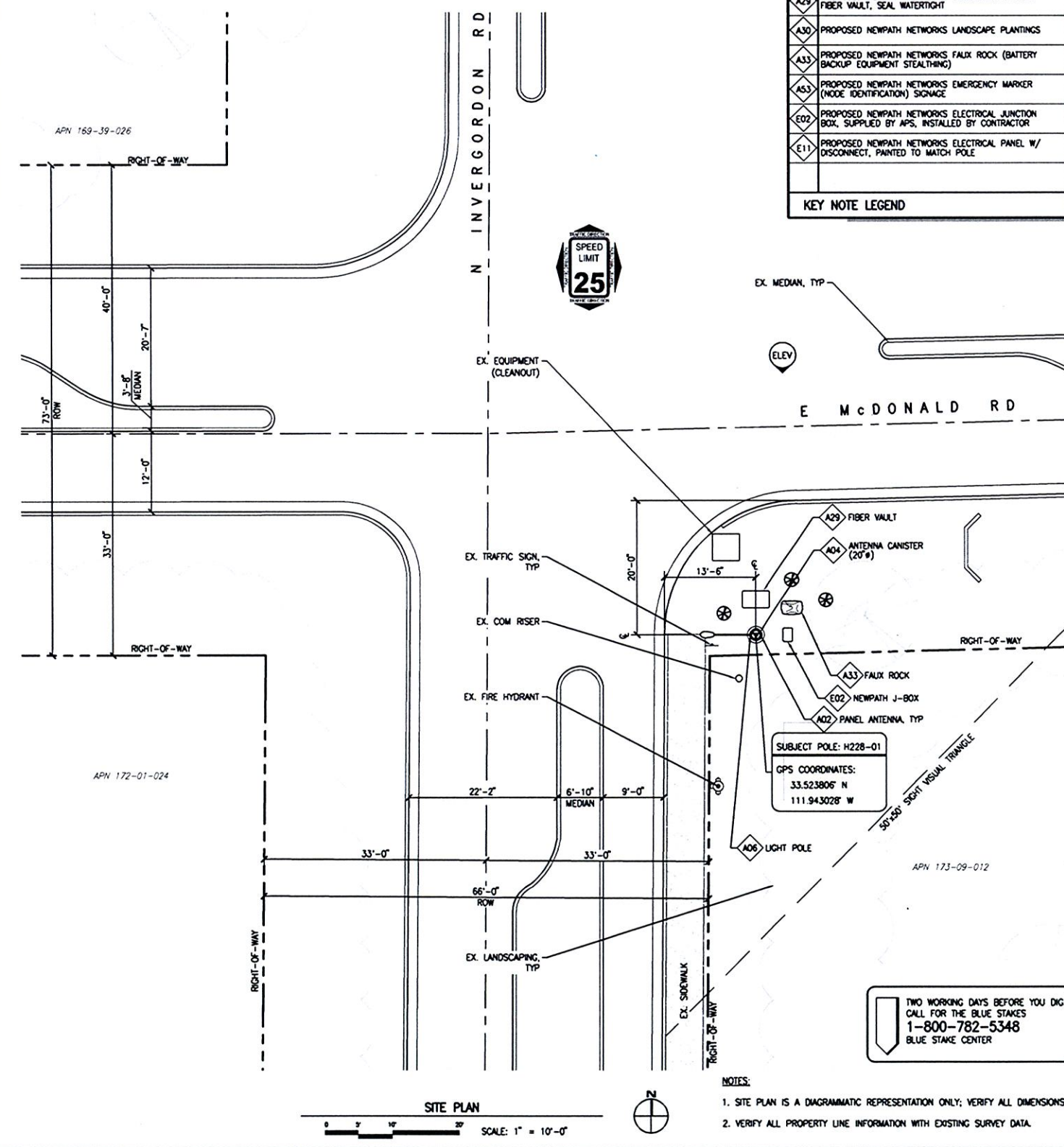
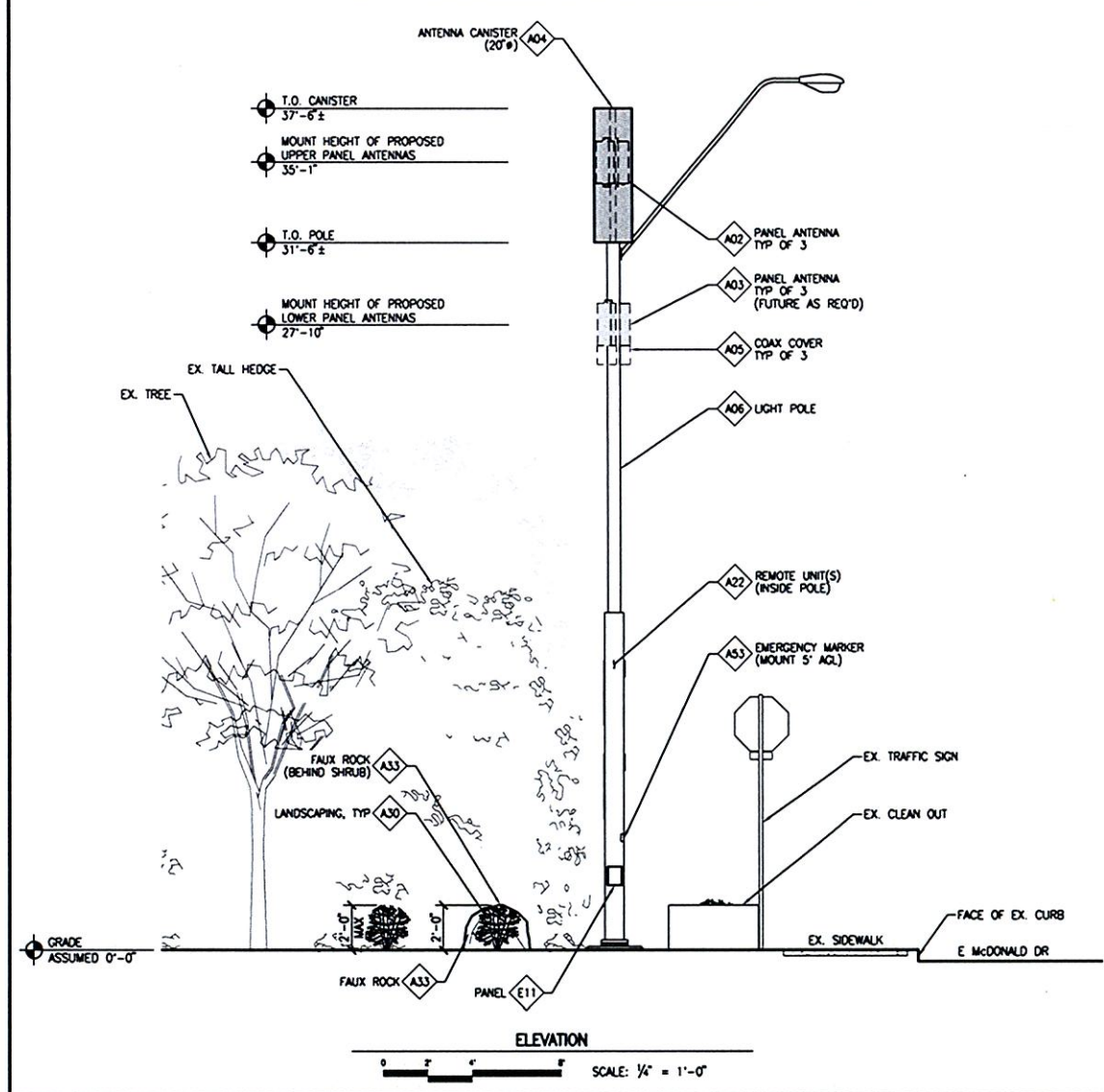


NewPath Networks, LLC
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fax: 206.633.2768



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PLANT LIST					
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	3	SIMMONDSIA CHINENSIS	JOJOBA	15 GALLON	NURSERY STOCK



NOTES:
1. SITE PLAN IS A DIAGRAMMATIC REPRESENTATION ONLY; VERIFY ALL DIMENSIONS.
2. VERIFY ALL PROPERTY LINE INFORMATION WITH EXISTING SURVEY DATA.

RELEASE	
DATE	
21MAY10	LUP

PROJECT NAME
PARADISE VALLEY

NODE ADDRESS
H228-01

E McDONALD DR & E INVERGORDON RD

PROJECT AREA
PARADISE VALLEY

PBT JOB NUMBER
290210

IN HOUSE
DRAWN BY: PBT
CHECKED BY: SV

SHEET TITLE
LUP BASE DRAWING

SHEET
LUP-1

PAGE
1 OF 1

PLOT SCALE: 1:1 @ 24"x36"; 1:2 @ 11"x17"

existing



proposed

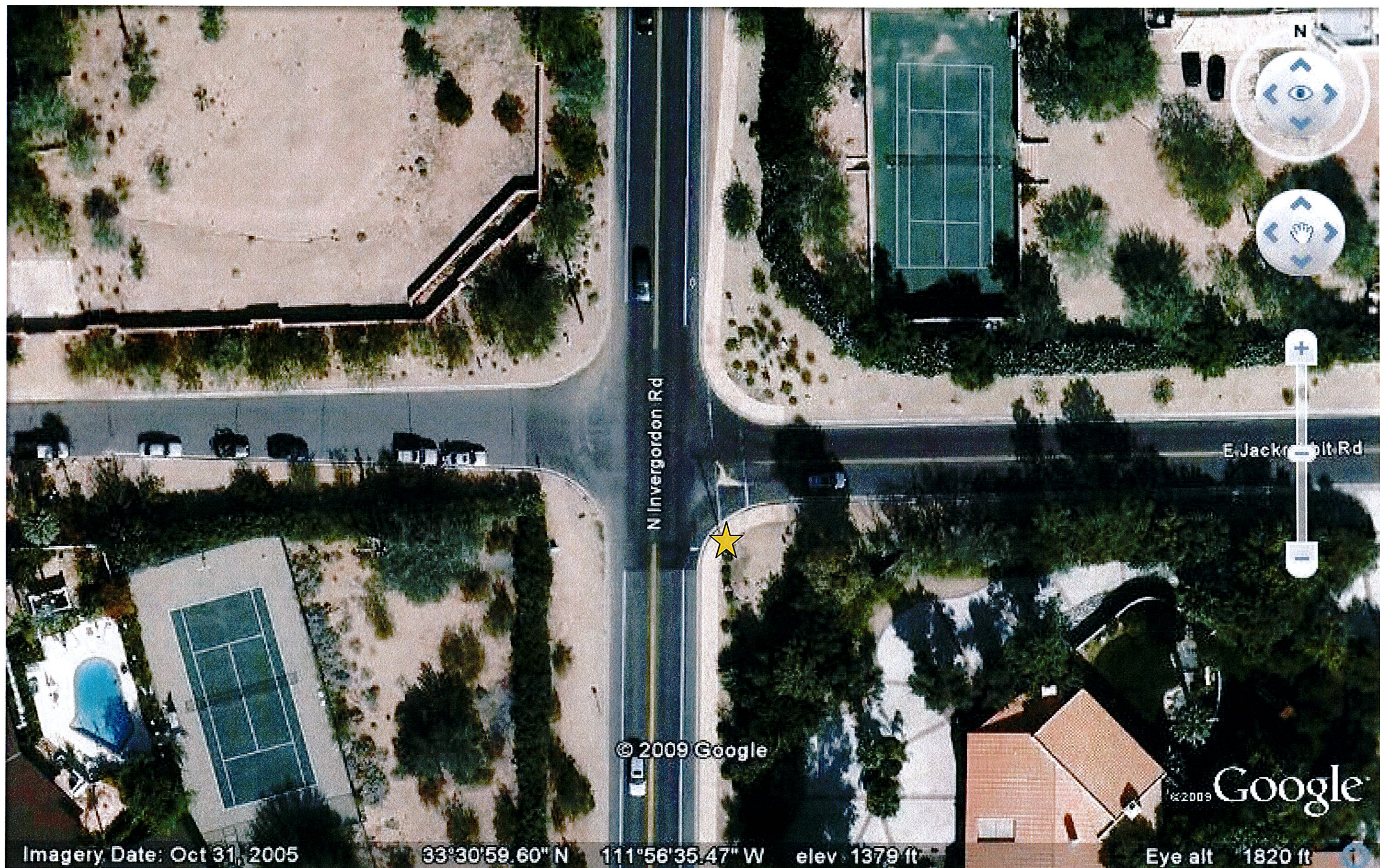


newpath
NETWORKS

Paradise Valley, AZ

H232

N Invergordon & E Jackrabbit Rd



NewPath Networks H232 Street Light at SEC of N. Invergordon Rd. & E. Jackrabbit Rd.

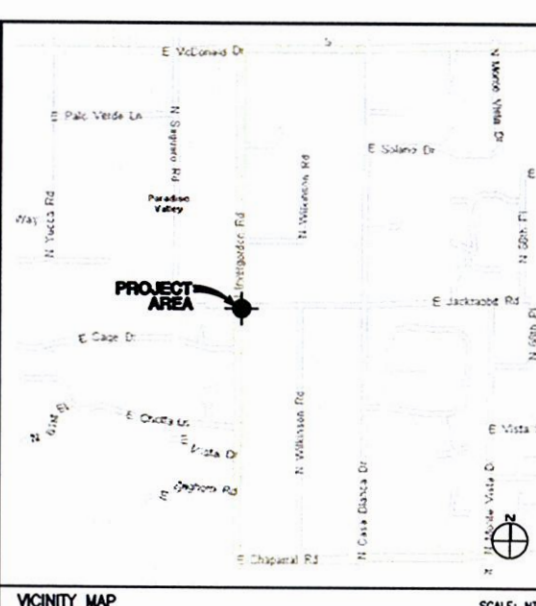
<u>APPLICANT</u>	<u>ARCHITECT</u>
NEWPATH NETWORKS 6908 E THOMAS ROAD, SUITE 201 SCOTTSDALE, AZ 85251 TEL: 480.225.0151 CONTACT: STEPHEN GARCIA	PB TELECOM, INC. 303 BATTERY STREET SEATTLE, WA 98121 TEL: 206.838.9275 FAX: 206.838.5021 CONTACT: ROY LORETE

PROJECT TEAM

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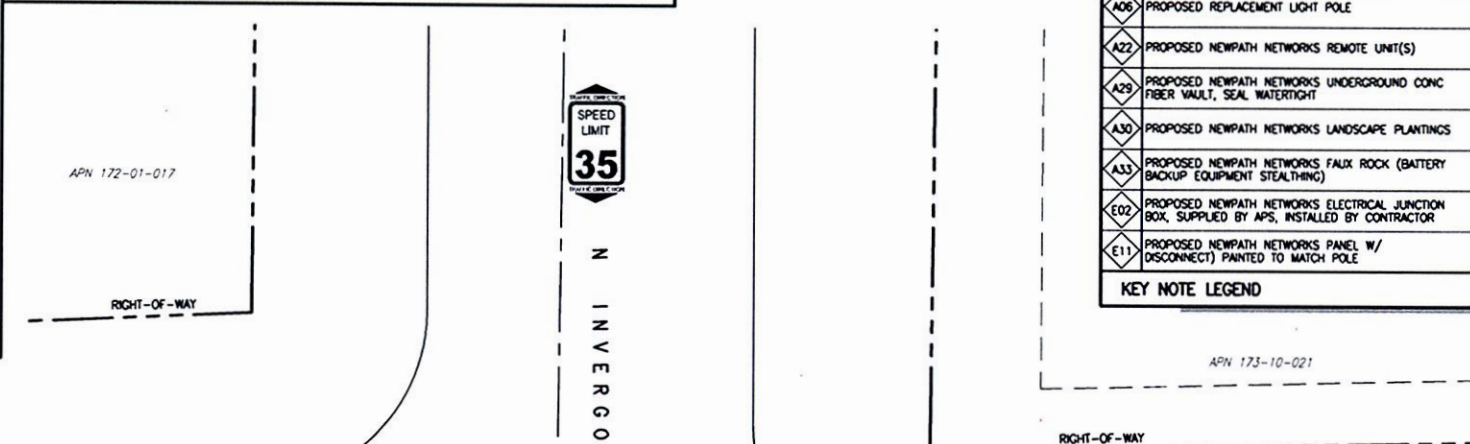
CURRENT - TOWN OF PARADISE VALLEY CODE 2005 - NATIONAL ELECTRICAL CODE
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CODES

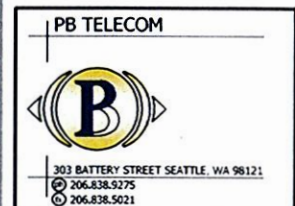


SECTION-TOWNSHIP-RANGE	28-3N-4E
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POLE TYPE:	LIGHT POLE
ASSIGNED ADDRESS:	TBD BY TOWN OF PARADISE VALLEY
NEAREST RESIDENTIAL ADDRESS:	6346 E MOUNTAIN VIEW RD
UPPER ANTENNA RAD CENTER:	37'-8"
LOWER ANTENNA RAD CENTER:	30'-4"

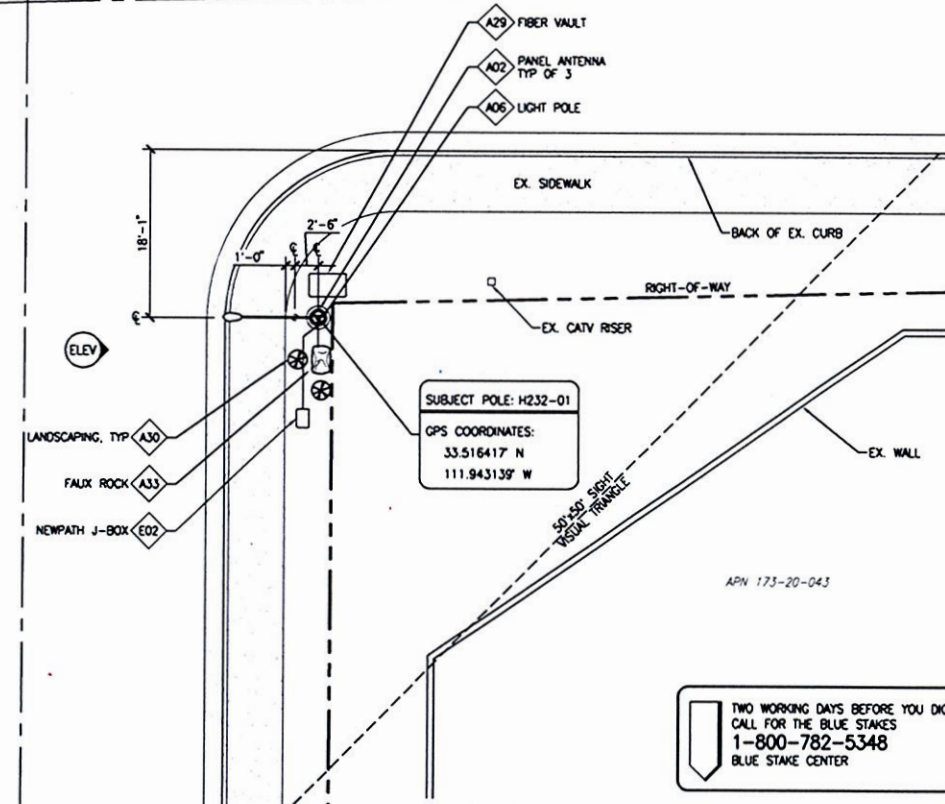
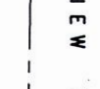
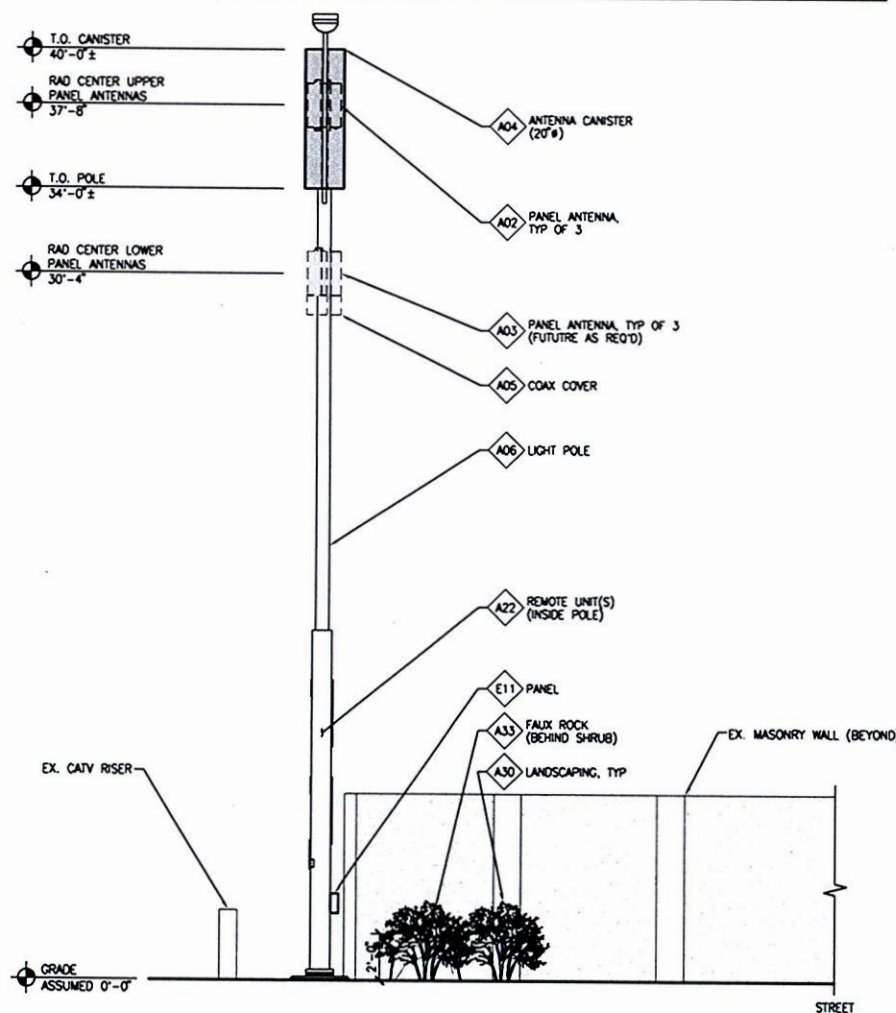


I	DESCRIPTION
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A04	PROPOSED NEWPATH NETWORKS ANTENNA CANISTER; PAINT TO MATCH POLE
A05	PROPOSED NEWPATH NETWORKS 10' COAX COVER
A06	PROPOSED REPLACEMENT LIGHT POLE
A22	PROPOSED NEWPATH NETWORKS REMOTE UNIT(S)
A29	PROPOSED NEWPATH NETWORKS UNDERGROUND CONIC FIBER VAULT, SEAL WATERTIGHT
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KEY NOTE LEGEND	



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PLANT LIST					
SHRUBS					
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	2	SIMMONDSIA CHINENSIS	JOJOBA	15 GALLON	NURSERY STOCK



NOTES:

1. SITE PLAN IS A DIAGRAMMATIC REPRESENTATION ONLY; VERIFY ALL DIMENSIONS.
2. VERIFY ALL PROPERTY LINE INFORMATION WITH EXISTING SURVEY DATA.



RELEASE	
DATE	
21MAY10	LUP

PROJECT NAME

PARADISE VALLEY

NODE ADDRESS

H232-01
N INVERGORDON RD
E JACKRABBIT RD

PROJECT AREA

PARADISE VALLEY

PBT JOB NUMBER	IN HOUSE
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290210

SHEET TITLE

LUP BASE DRAWING

— 100 —

SHEET PAGE

LUP-1 **1 OF 1**

PLOT SCALE: 1:1 @ 24"-35" 1:2 @ 11"-15"

Plot Scale: 1:1 @ 24 x 36; 1:2 @ 11 x 17