

WCF Modification - Development Review (Minor)

Administrative Staff Approval – Request for Review

Per Section 6409(a) of the Middle Class Tax Relief Act of 2012



OFFICIAL USE ONLY

City Staff Contact: _____ Phone: _____ Email: _____

Project Name:	
Property's Address:	A.P.N.:
Property's Zoning District Designation:	
Application Request:	
Eligible Facilities Request for modifications to existing WCF per section 6409(a) of the Middle Class Tax Relief Act of 2012? Yes No	
Owner:	Applicant:
Company:	Company:
Address:	Address:
Phone:	Phone:
E-mail:	E-mail:

Submittal Requirements:

Please submit materials requested below. **All digital files must be uploaded in PDF format.**

Project No.: _____ -PA- _____ Key Code: _____

Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalMenu>

Completed Application (this form) and Application Fee \$ _____ (fee subject to change every July)	Photo Simulations of Modified WCF. In ESL areas, include photosim from nearest single family lots.
Request for Site Visits and/or Inspections form	
Property Owners Association Input	
Eligible Facilities Checklist	
Affidavit of Authority to Act for Property Owner, letter of authorization, or signature below.	
Preliminary Drawings - Include site survey, site plan, existing and proposed elevations, detail sheet of antennas, radio equipment, and cabinets.	Other: _____ _____ _____ _____
Color photographs of site – include area of request	
Material Samples – branches, fronds, etc.	
RF - EME Study	

Application will be reviewed within the timeframes required by Section 6409(a) of the Middle Class Tax Relief Act of 2012.

Planning and Development Services

7447 E. Indian School Road, Suite #105, Scottsdale, AZ 85251 • www.ScottsdaleAZ.gov

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Modification of an existing, approved wireless telecommunication facility may be reviewed per Section 6409(a) of the Middle Class Tax Relief Act if, following the completion of this request form and submittal of all items required herein, the city, upon review of this application, determines that the proposed modification meets the requirements of the subject Section.

Request For Review Per Section 6409(a) Of The Middle-class Tax Relief Act

As an FCC licensed telecommunications carrier, I request that the subject modification of an existing, approved telecommunications facility be reviewed pursuant to Section 6409(a) of the Middle Class Tax Relief Act (hereafter referred to as Section 6409). I assert that:

- (1) The submitted materials show the modification to be an eligible facility modification,
- (2) Applications for all required permits are herewith submitted.
- (3) I independently **DO/ DO NOT CHOOSE** to have the Building Permit construction review to be part of the 6409(a) review process (**INITIAL CHOICE**).

I recognize that, if the modification does not qualify for review per Section 6409, then the application(s) will be denied without prejudice, and an application for a standard modification may be immediately submitted per Section 7.200.H of the Scottsdale Zoning Ordinance.

 Applicant or Representative and Firm Signature

 Date

Eligibly Facilities Checklist

Proposed modifications to an existing tower or base station must meet at least one of the three threshold criteria below for an eligible facilities request. Check all that apply:

- Collocation of new transmission equipment
- Removal of transmission equipment
- Replacement of transmission equipment

Is the proposed modification a substantial change? To determine, fill in the appropriate information below. **If the application does not meet all of the criteria below, then the project does not qualify as an eligible facility and it is unnecessary to complete this form.**

Criteria 1

- For towers other than towers in the public rights-of-way, it does not increase the height of the tower by more than 10 percent, or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater.
- For other eligible support structures, it does not increase the height of the structure by more than 10 percent, or more than 10 feet, whichever is greater.

- Existing height of the structure: _____ (ft/in)
- Proposed height of the structure: _____ (ft/in)
- Distance of proposed array from nearest array: _____ (ft/in)

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Criteria 2

- For towers other than towers in the public rights-of-way, it does not involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
- For other eligible support structures, it does not involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

- o What is the existing width of the structure at the level of the appurtenance? _____ (ft/in)
- o What is the proposed distance the appurtenance will protrude from the structure? _____ (ft/in)

Criteria 3

- For any eligible support structure, it does not involve installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or,
- For towers in the public rights-of-way and base stations, it does not involve installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure; or
- It does not involve installation of ground cabinets that are more than 10 percent larger in height or overall volume, than any other ground cabinets associated with the structure.

- o How many new equipment cabinets are proposed? _____

Criteria 4

- For all existing facilities, it does not entail any excavation or deployment outside the current site.

- o Will any excavation or equipment installation occur outside of the current site of the structure?
 Yes No

Criteria 5

- For all existing facilities, the modification does not defeat the concealment elements of the eligible support structure.

- o Please describe any existing and proposed concealment elements: _____

- o Will the proposal increase the visibility of the facility? Yes No

Criteria 6

- The modification complies with conditions associated with the siting approval of the construction, or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

- o Identify known conditions associated with previous approvals of the existing facility.

- o Will the proposal violate any of the above conditions? Yes No
- o If yes, explain: _____

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Request for Site Visits and/or Inspections

Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: _____-PA-_____

Project Name: _____

Project Address: _____

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: _____
Print Name

Signature

City Use Only:	
Submittal Date: _____	Case number: _____
Planning and Development Services 7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088	



Current Planning Services
Long Range Planning Services

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, _____

at the following number _____

Signature: _____ **Date:** _____

Printed Name: _____

Check box if signature refused

Copy of Bill of Rights left at: _____

A.R.S § 9-833. Inspections; applicability

- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
1. Present photo identification on entry of the premises.
 2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
 3. Disclose any applicable inspection fees.
 4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
 5. Provide notice of the right to have:
 - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
 - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
 - (c) Copies of any analysis performed on samples taken during the inspection.
 6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
 7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
1. The rights described in subsection A of this section.
 2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
 3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
1. At the time of the inspection.
 2. Notwithstanding any other state law, within thirty working days after the inspection.
 3. As otherwise required by federal law.

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
 - 1. Committed intentionally.
 - 2. Not correctable within a reasonable period of time as determined by the municipality.
 - 3. Evidence of a pattern of noncompliance.
 - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
 - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
 - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
 - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
 - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
 - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
 - 1. Shall not be used to exclude evidence in a criminal proceeding.
 - 2. Does not apply to a municipal inspection that is requested by the regulated person.

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:
 - a. Street Address: _____
 - b. County Tax Assessor's Parcel Number: _____
 - c. General Location: _____
 - d. Parcel Size: _____
 - e. Legal Description: _____
 (If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)
2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

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