



Cochise County
Community Development
 Planning, Zoning and Building Safety Division

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner II
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Docket SU-19-01 (Bechtel Bernadino)
DATE: March 8, 2019 for the March 13, 2019 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant requests a Special Use Authorization to approve a 100-foot tall, self-supporting wireless communications tower. The site is on State Land, APN 405-51-000, at the end of Dangerous Road atop Bernardino Peak and is zoned RU-4. The Applicant is Bechtel Infrastructure and Power Corporation.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 8,377.30-Acres
 Zoning: Rural (RU-4; one dwelling per 4-acres)
 Growth Area: Category D (Rural)
 Comprehensive Plan Designation: Rural
 Area Plan: None Applicable
 Existing Uses: Ranching per ASLD and BLM Grazing Leases/Allotments, with Wireless Communication Facilities atop Beacon Hill

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Coronado National Forest
South	RU-4	Ranching
East	RU-4	Ranching
West	RU-4	Ranching

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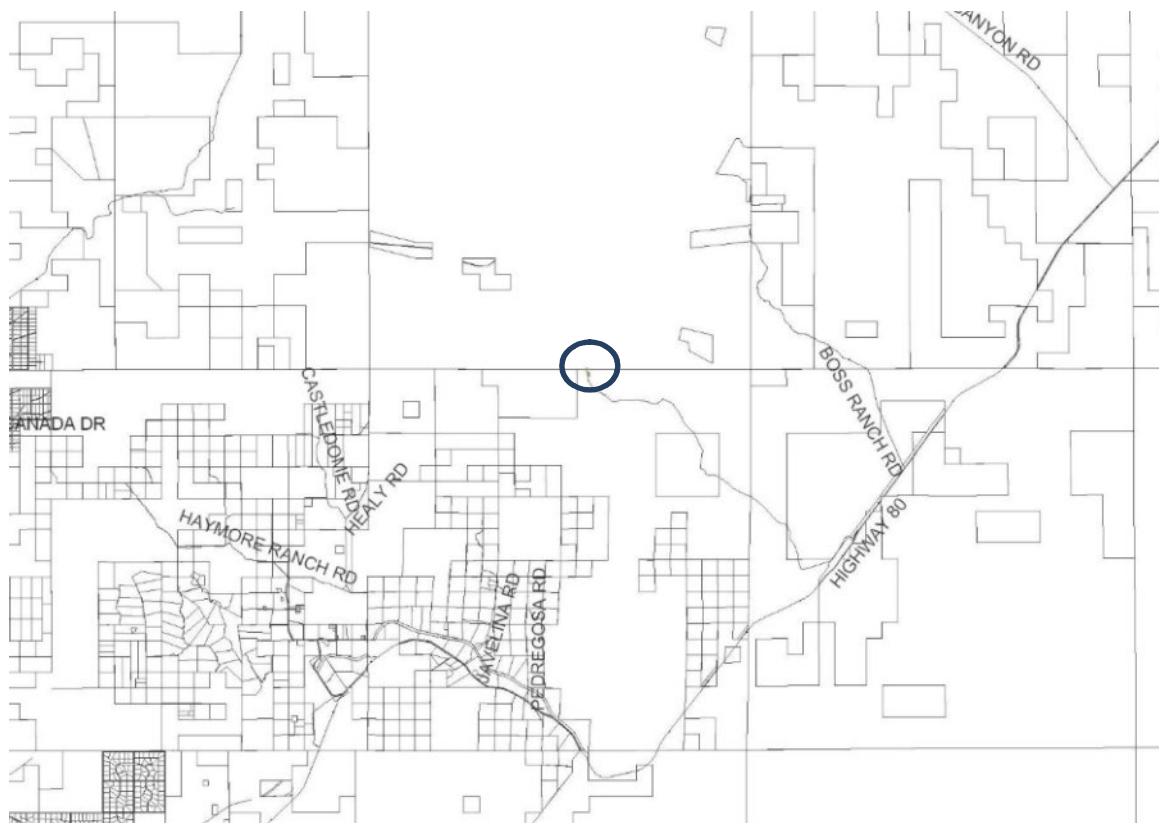
II. PARCEL HISTORY

- In 2004, a permit was issued to construct a 50-foot tower; the Applicant in this case was Cochise County Information Technologies. As the tower was originally purposed to house emergency services equipment for the County, the project was deemed an “essential government services” land use and was therefore considered exempt from Zoning Regulations, per Section 2002.02 (the permit was thus informational only). Per the Applicant in this case, however, a 40’ 6”-foot tower was actually constructed.
- In 2010, a violation was issued for construction/replacing wireless equipment without a permit.
- In 2011, a permit was issued for nine new panel antennas on the site, which resolved the aforementioned violation.
- In 2013 another tower was approved and constructed via Special Use Authorization.

Additionally, there are three other towers at this site, each of which has been in place before 1999 when the County began requiring permits for these units.

III. NATURE OF REQUEST

The Applicant is requesting a Special Use authorization to approve an unmanned wireless communications facility consisting of a 100-foot tower and base equipment. The tower is proposed Atop Bernadino Peak in addition to the existing towers on the site. The site is State Trust Land, and the tower is part of the federally funded FirstNet Authority to improve first responder and rural communications.



Location Map

The proposed tower and base equipment will be interface with surrounding towers to improve communications capability throughout the southeast portion of the County.



IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

Five of the ten factors apply to this request. The project, as submitted, complies with each of those factors.

A. Compliance with Duly Adopted Plans: Not Applicable

The project site is not within the boundary of any Area Plan. The Comprehensive Plan generally does not include policies that speak to unmanned, wireless communication facilities, but these are uses commonly found in rural areas.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 601.02 of the Zoning Regulations encourages “*those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.*” As a project intended to facilitate better wireless phone coverage in the region, the proposed tower would comply with this purpose of the Rural District.

C. Development Along Major Streets: Not Applicable

The project site is not located along any major road.

D. Traffic Circulation Factors: Not Applicable

The wireless site is located approximately 6.5-miles from SR 80, at the terminus of Dangerous Road. Dangerous Road is a single-lane, native surface road serving the ranching lease lands on this tract, as well as the unmanned, wireless communication site at the top of Beacon Hill. Apart from the initial construction crew and maintenance teams, some of which are known to access the site via helicopter, the site is expected to receive no traffic during operation.

E. Adequate Services and Infrastructure: Complies

The wireless communication towers provide wireless infrastructure to the region. Electric power is provided by APS, with backup generators in close proximity to the equipment.

F. Significant Site Development Standards: Complies (Subject to Requested Modification)

Wireless Communication facilities are subject to a set of use-specific site development standards. These are provided in Section 1813 of the Zoning Regulations, and among them are standards relative to co-location, setbacks, height standards, design and certification, as well as security. Regarding the latter, the Applicant has requested that the security standards of 1813.06, which require security fencing and anti-climbing devices, be waived (See Attachment E – Requested Modifications). Staff supports the requests in part due to the very remote location and difficulty in gaining access. The proposed tower meets all other site development standards as proposed.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received no response.

H. Hazardous Materials: Not Applicable**I. Off-Site Impacts: Complies**

Apart from providing more robust wireless phone and data coverage for residents and visitors, as well as other providers, if and when the tower is used to full capacity, the project is not expected to produce any new off-site impacts, including visual impacts.

J. Water Conservation: Not Applicable**VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within one mile of the subject property. Staff posted the property and published a legal notice in the *Bisbee Review*. In response to applicant and County mailings, the Planning Department no written communications.

VII. WAIVERS

1. Based on the limited traffic to the site as an unmanned facility, Staff recommends waiving the requirement for a Private Maintenance Agreement.

VIII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a 100-foot wireless communication tower and base equipment on State Trust Land northeast of Douglas.

Factors in Favor of Approving the Special Use

1. With the requested Modifications, the request complies with each of the five applicable Special Use factors used by staff to analyze such requests;
2. The Special Use would facilitate increased range and quality of phone and wireless data coverage throughout the region, benefitting consumers and emergency service providers. Structurally, the tower as proposed could accommodate additional equipment for other providers in the future;
3. There are existing wireless towers at the Beacon Hill site; and
4. The tower would be sited on a large and remote rural parcel and therefore would not generate significant off-site impacts.

Factors Against Allowing the Special Use

1. None Apparent

IX. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions and Modification above:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. No signage, other than emergency signage, will be allowed for this wireless communications facility; and
4. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Sample Motion: *Mr. Chairman, I move to approve Special Use SU-19-01 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*