



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-19-02 (Bechtel Killion)
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 199-foot tall, self-supporting wireless communications tower. The 42.37-acre site, APN 402-61-007, is located between mileposts 410 and 411 on E. Highway 80 in the Portal area and is zoned RU-4. In a rural zoning district, towers greater than 30-feet in height require Special Use Authorization. The Applicant is Bechtel Infrastructure and Power Corporation.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 42.31 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: Vacant Land

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant Rural
South	RU-4	Scattered Rural Residential
East	RU-4	Ranch Land
West	State Highway/RU-4	Highway 80/Scattered Rural Residential

II. PARCEL HISTORY

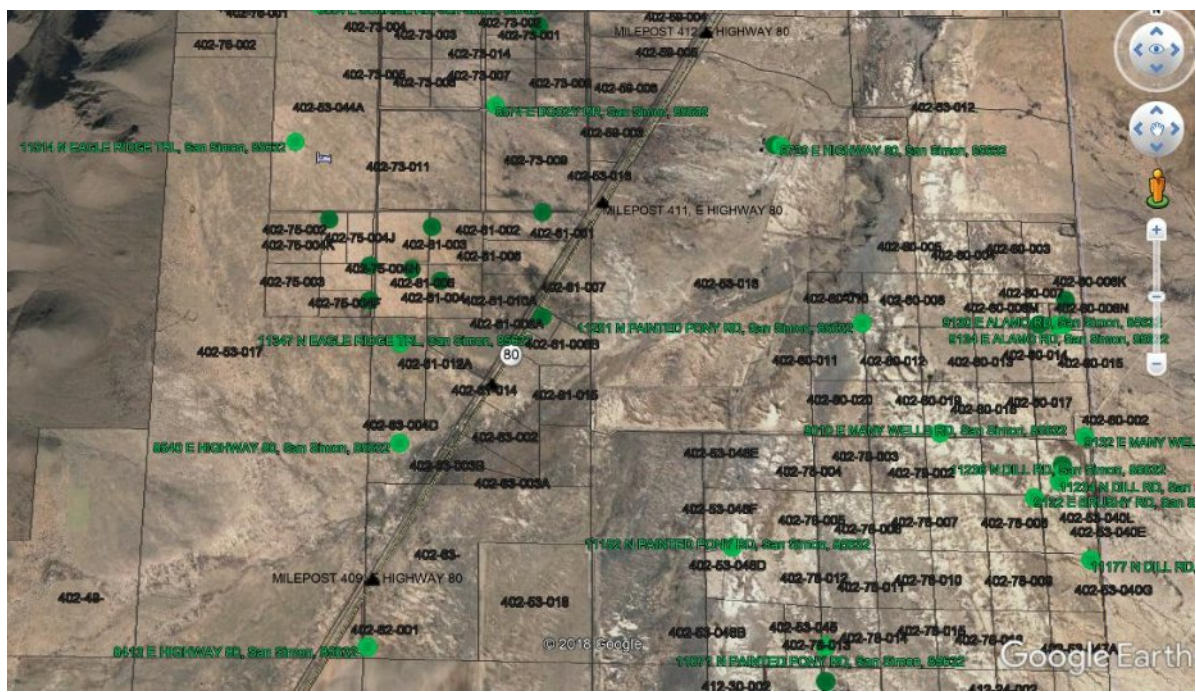
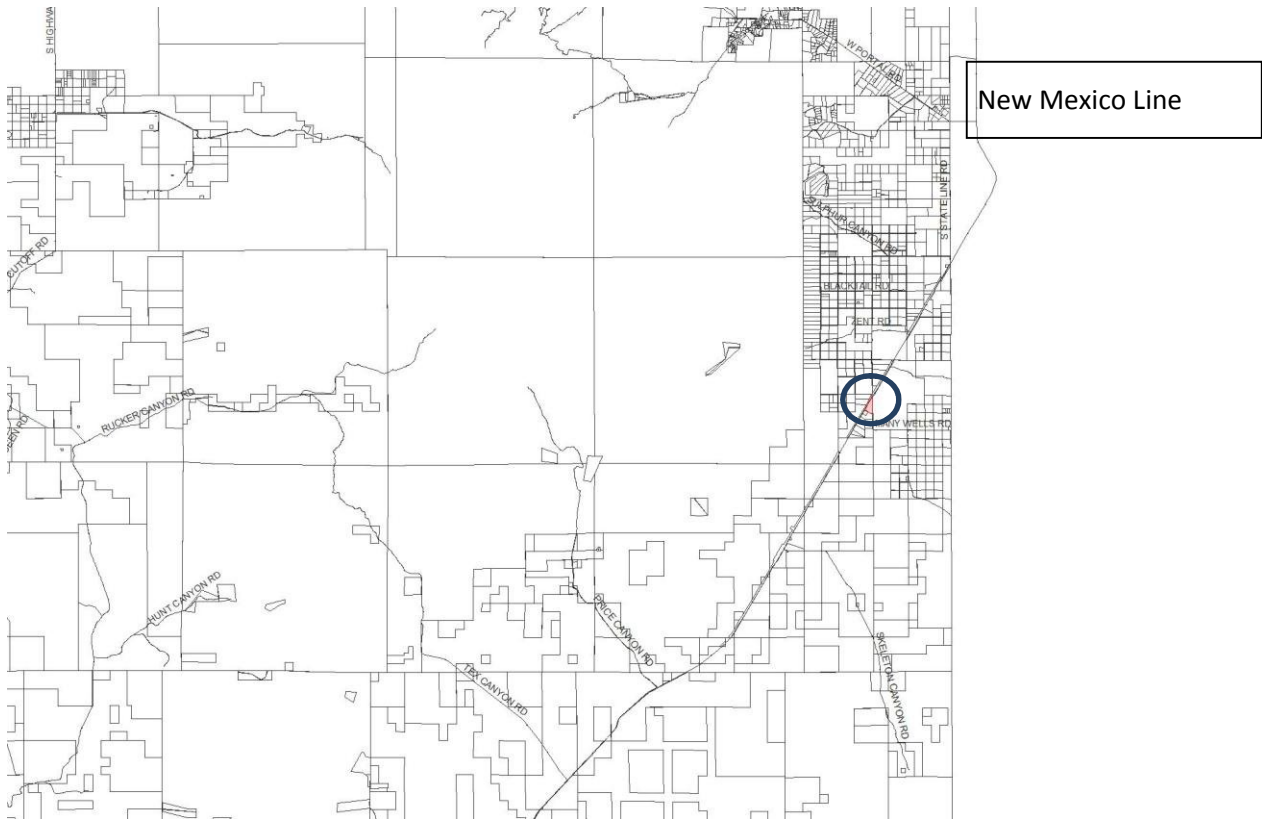
None

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III. NATURE OF REQUEST

The Applicant is requesting a Special Use authorization to approve an unmanned wireless communications facility consisting of a 199-foot tower and base equipment. The tower is part of the federally funded FirstNet Authority to improve first responder and rural communications. The proposed tower and base equipment will 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 three of those factors, and complies with another with the suggested modification. One factor does not comply.

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

Apart from the initial construction crew and maintenance teams, 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 Columbus Electric Coop, 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. The proposed tower meets all site development standards as proposed.

G. Public Input: Does not Comply

In response to County notification Staff has received 13 letters. Three letters are in direct support, one states that the property owner is undecided, two raise concerns about lighting being a hazard to birds, and seven are in direct opposition. The request for lighting has been struck, addressing the concerns of two of the letters. The owners in support state improved communications for residents and emergency services, along with potential economic development as reasons for their support. The owners in opposition cite viewshed, lighting, flight safety, health concerns, and the possible redundancy of the tower. The lighting has been addressed above, and the light does not require a safety light at the proposed height of 199'. Portal Rescue, who initially requested the light have decided instead to relocate their helicopter landing site away from the proposed tower site if the tower is approved. Per the applicant, the proposed tower is not redundant with other new towers in Arizona and New Mexico but would be part of a system of towers with overlapping coverage. Federal law explicitly prohibits jurisdictions from considering RF emissions when siting towers, so such concerns will not be further addressed by Staff.

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, beyond visual impacts. As noted in Section G above, RF emissions and any potential impacts thereof are removed from County or State Authority.

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

The Planning Department mailed notices to neighboring property owners within a minimum of one mile of the subject property, reaching a minimum of 50 distinct property owners. Staff posted the property and published a legal notice in the *Bisbee Review*. In response to applicant and County mailings, the Planning Department written communications from 13 property owners as noted in Section G above.

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 199-foot wireless communication tower and base equipment on private land south of Portal.

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. Three property owners have expressed support for the project: 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. Seven property owners have expressed opposition to the project.

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-19-02 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*