



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Docket SU-19-11 (AT&T Antelope)
DATE: December 24, 2019 for the January 8, 2020 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 191.86-acre site, APN 412-19-003, is located at milepost 408 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 AT&T Mobility/Steve Olsen.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 191.86 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

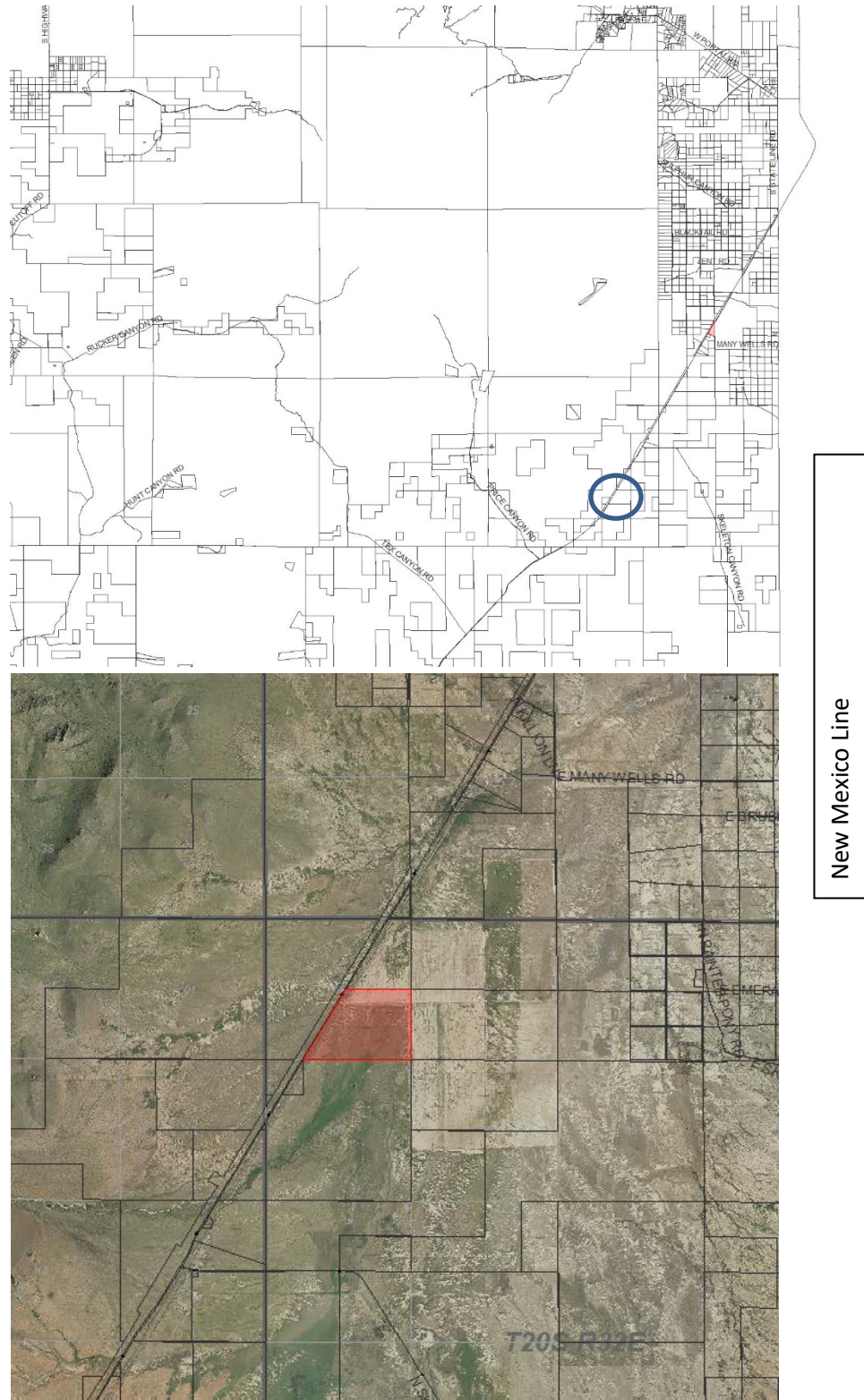
Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Orchard
South	RU-4	Rangeland
East	RU-4	Orchard
West	SR80/R U-4	SR80/Rangeland

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II. Location



III. PARCEL HISTORY

None

IV. NATURE OF REQUEST

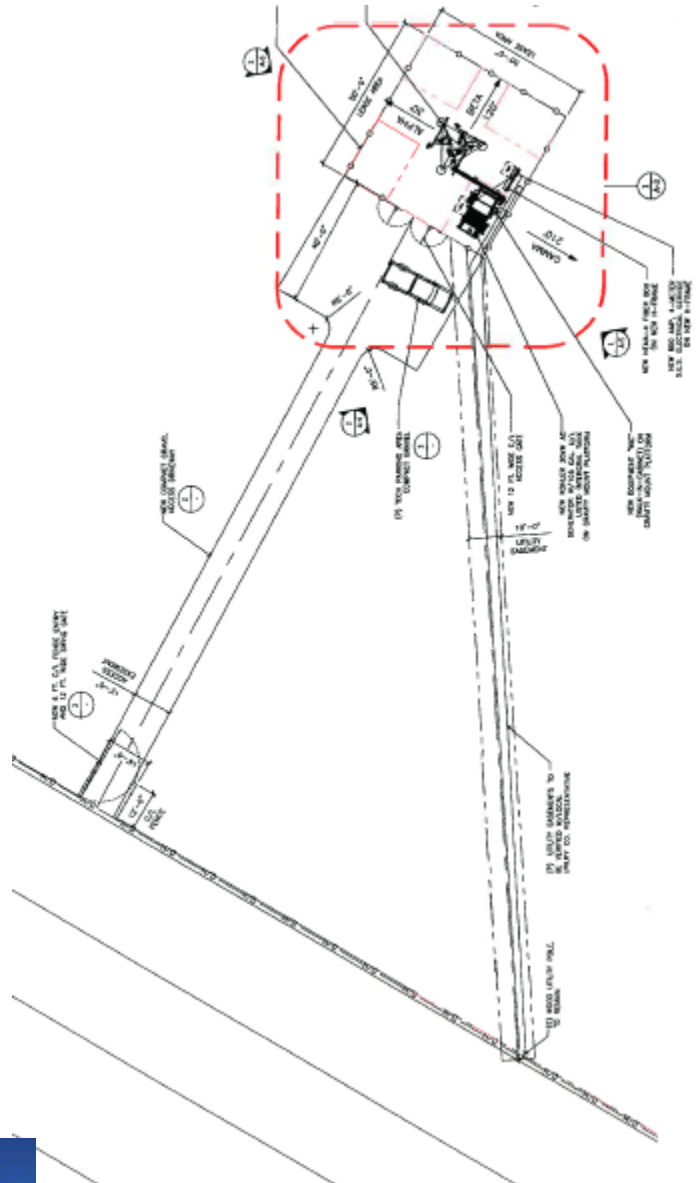
The Applicant is requesting a Special Use authorization to approve an unmanned wireless communications facility consisting of a 199-foot tower and base equipment. The tower is part of the federally funded FirstNet Authority to improve first responder and rural communications. The proposed tower and base 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.

Six of the ten factors apply to this request. The project, as submitted, complies with all six of those factors.

A. Compliance with Duly Adopted Plans: Not Applicable



purpose of the Rural District.

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

VI. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within a minimum of one mile of the subject property. Staff posted the property and published a legal notice in the *Sierra Vista Herald*. In response to the latest applicant and County mailings, the Planning Department received no written communication.

VII. WAIVERS

None needed or requested.

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.
5. Should the parcel be split, a minor land division permit shall be approved (if required) and the tower shall meet all the development standards on the new parcel.

Sample Motion: *Mr. Chairman, I move to approve Special Use SU-19-11 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*