

COCHISE COUNTY

**SU-21-13
(Whetsone W Telecom)**

**Special Use Authorization for the
installation of a telecommunication tower
in R-36**

Planning & Zoning Commission

May 12, 2021

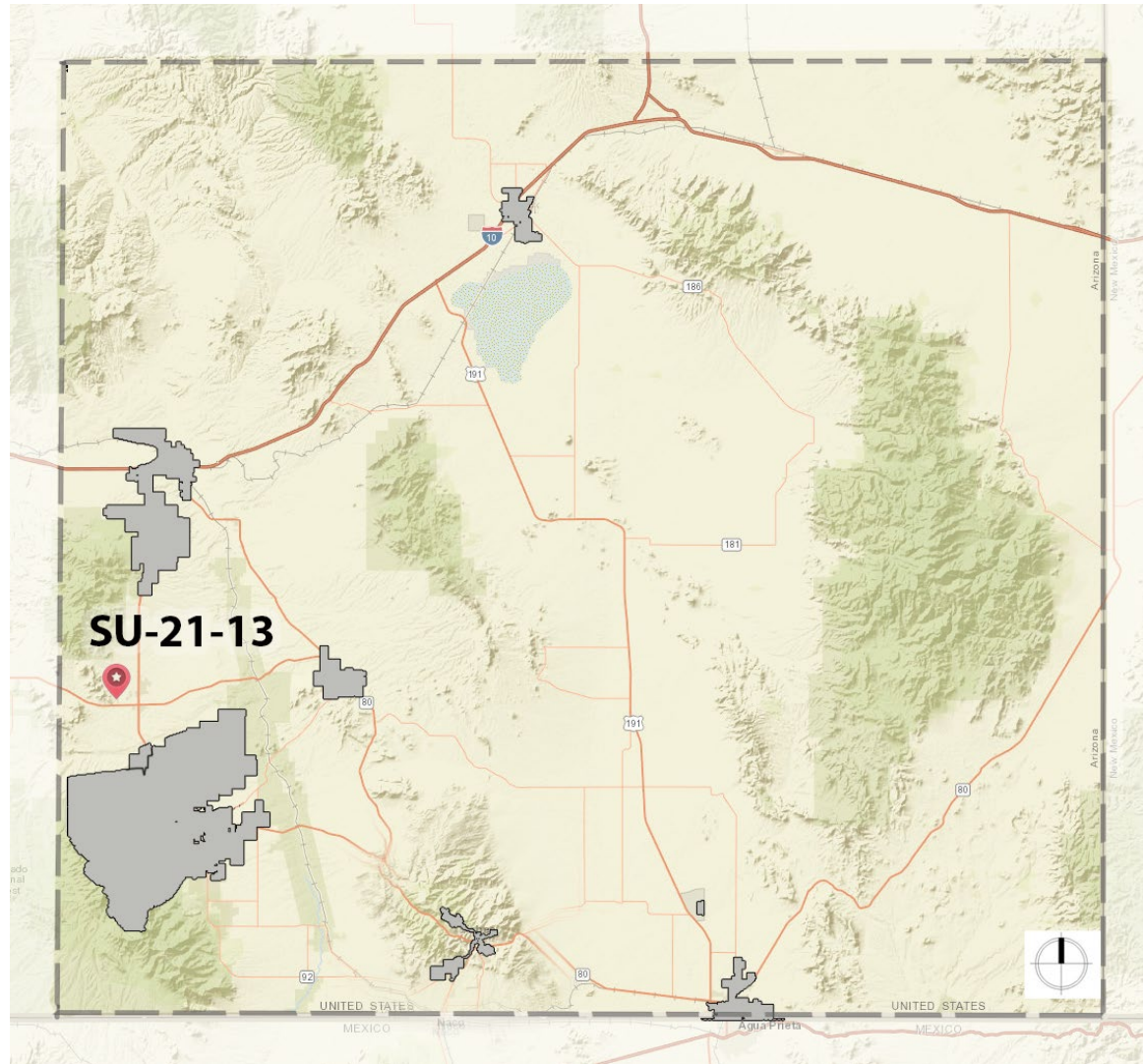


Public Programs...Personal Service

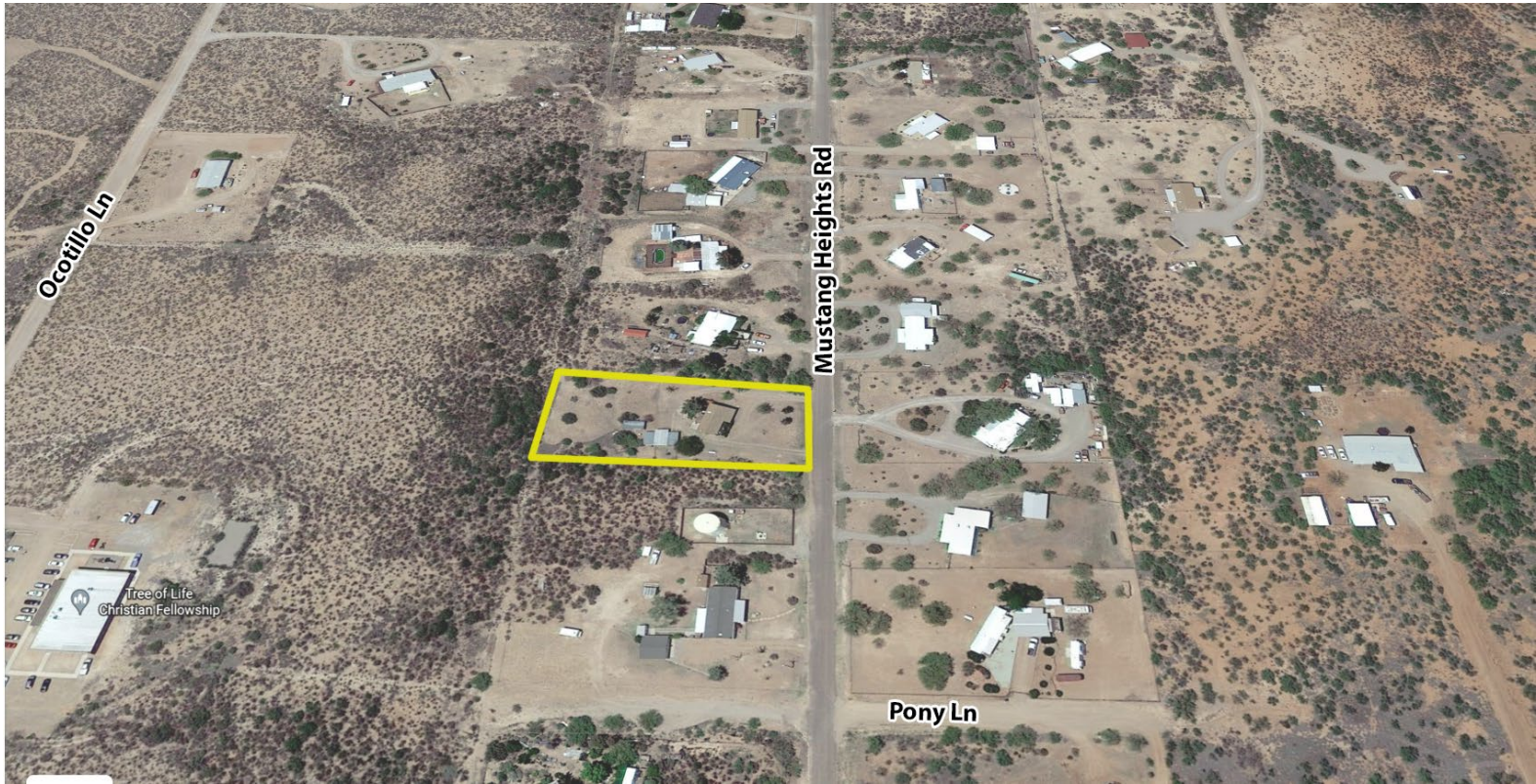
COCHISE COUNTY

Background

- This is a request to allow the continued operation of a 50' tall telecommunication tower
- The subject property (106-09-029) is 1.04 acres and is currently used as a residence. The current use and structures are proposed to remain
- The Applicant is TWN Communications



COCHISE COUNTY **Site Analysis**



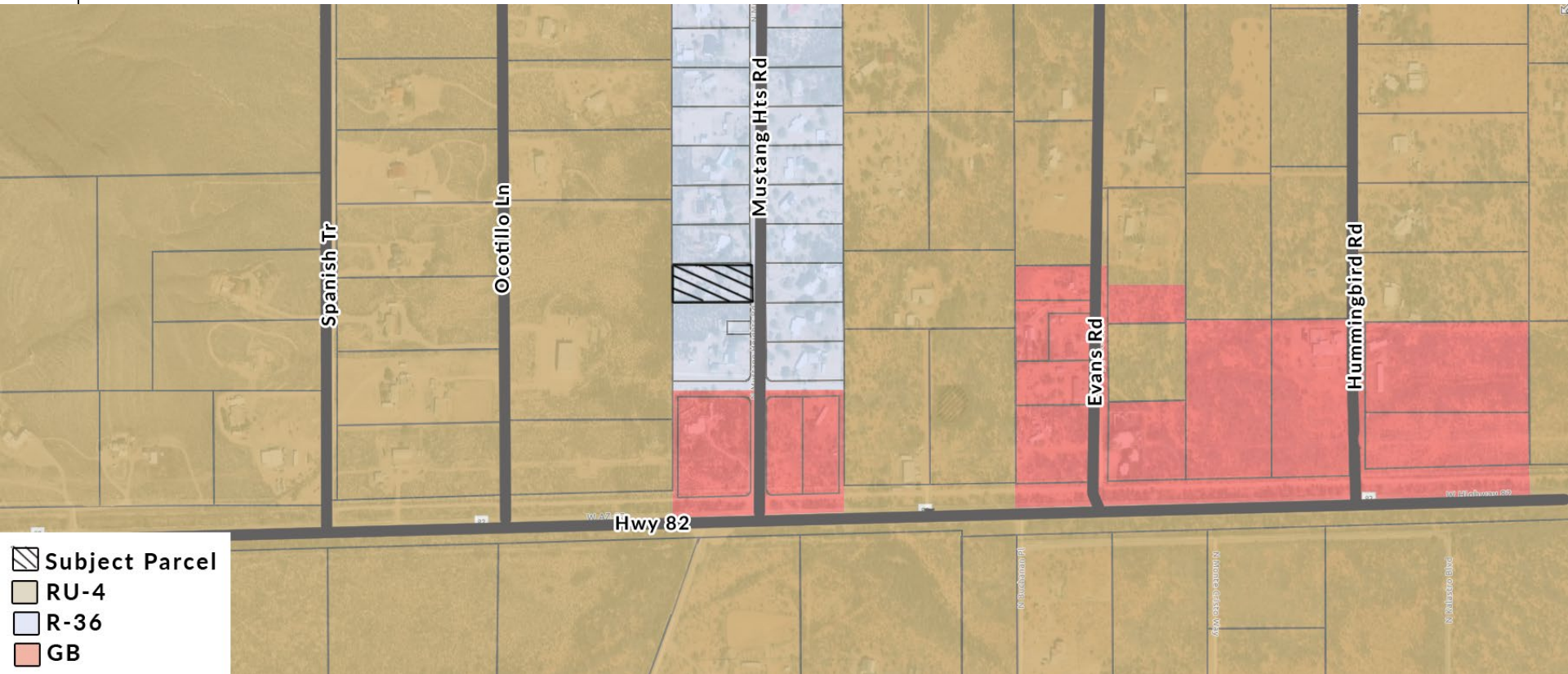
Mustang Heights looking north



Mustang Heights Rd looking south



COCHISE COUNTY **Current (and Proposed) Zoning**



Residential (R-36) Zoning Districts are established to:

- To provide an area for family living at a variety of low to medium densities; and
- To provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.

COCHISE COUNTY **Site Development Standards for Telecommunication Towers (Zoning Regulations, 1813)**

Design

- Must be designed by a Registrant licensed by the State of Arizona.
- The structure shall be designed to accommodate at least 2 providers

Certification (Permitting)

- Must conform with FAA requirements regarding lighting and marking
- Must conform to with FCC technical emissions standards and licensing requirements, including radio frequency data
- Engineer must certify the tower meets minimum safety standards regarding deflection and survival specs at the proposed antenna load from potential electrical hazards

Setbacks (from all parcel boundaries, ROW)

- Equal to at least the height of the tallest structure in the facility, measuring from its base.



COCHISE COUNTY **Site Development Standards for Telecommunication Towers (Zoning Regulations, 1813)**

Max Height

- No limit (for special use requests)

Noise or vibration

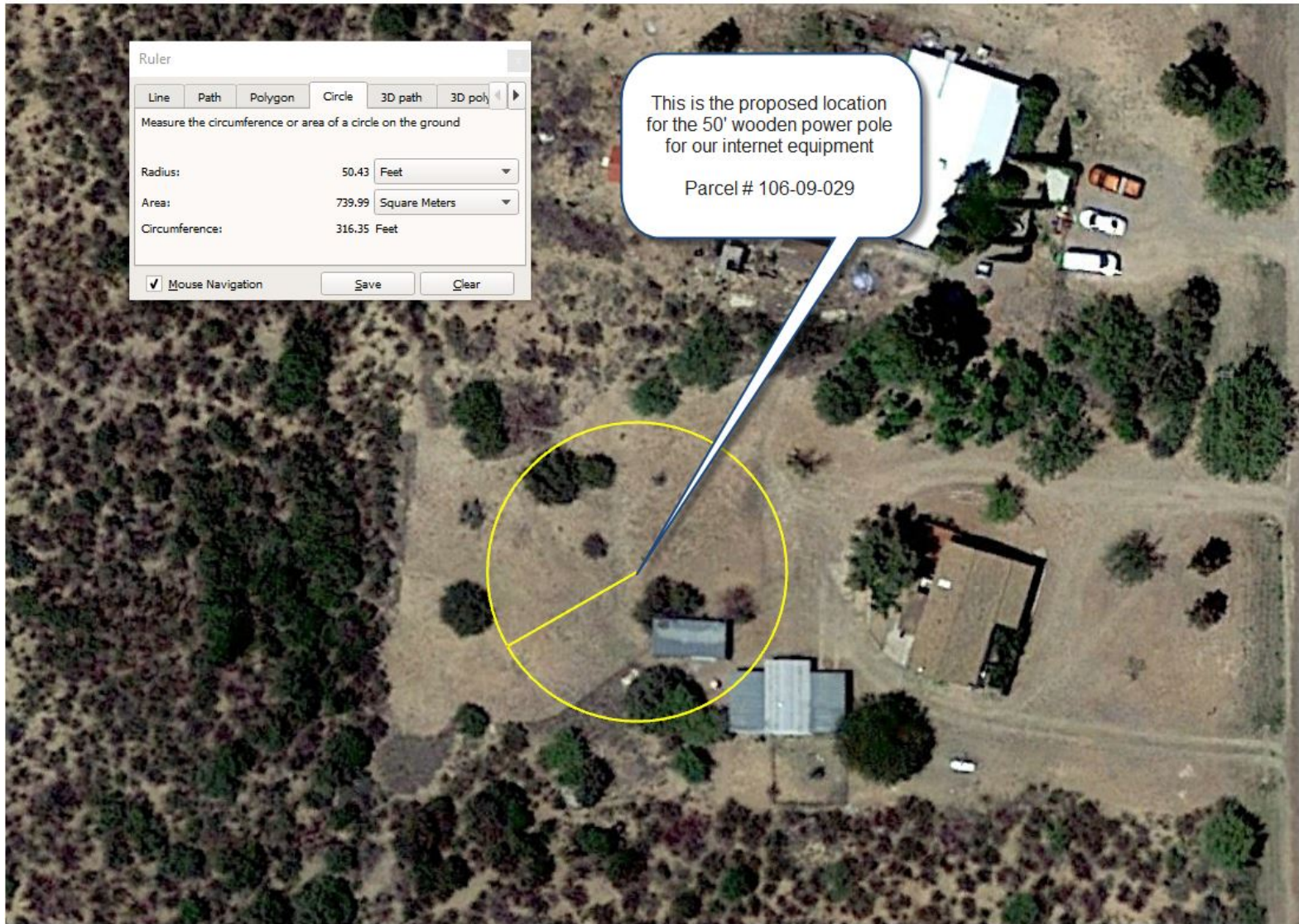
- No noise or vibration (other than normal vehicular traffic) discernible to the unaided human senses from a neighboring residential site that exceeds:
 - 3+ minutes an hour, 7:00 a.m.-7:00 p.m.
 - 30+ seconds an hour, 7:00 p.m. - 7:00 a.m.

Removal of abandoned facilities

- A facility not operated for a continuous period 12+ months is considered abandoned.
- The owner must remove the structure within 90-days of notice by zoning inspector.



COCHISE COUNTY **Proposed Site Plan**



COCHISE COUNTY **Evaluation Criteria Analysis**

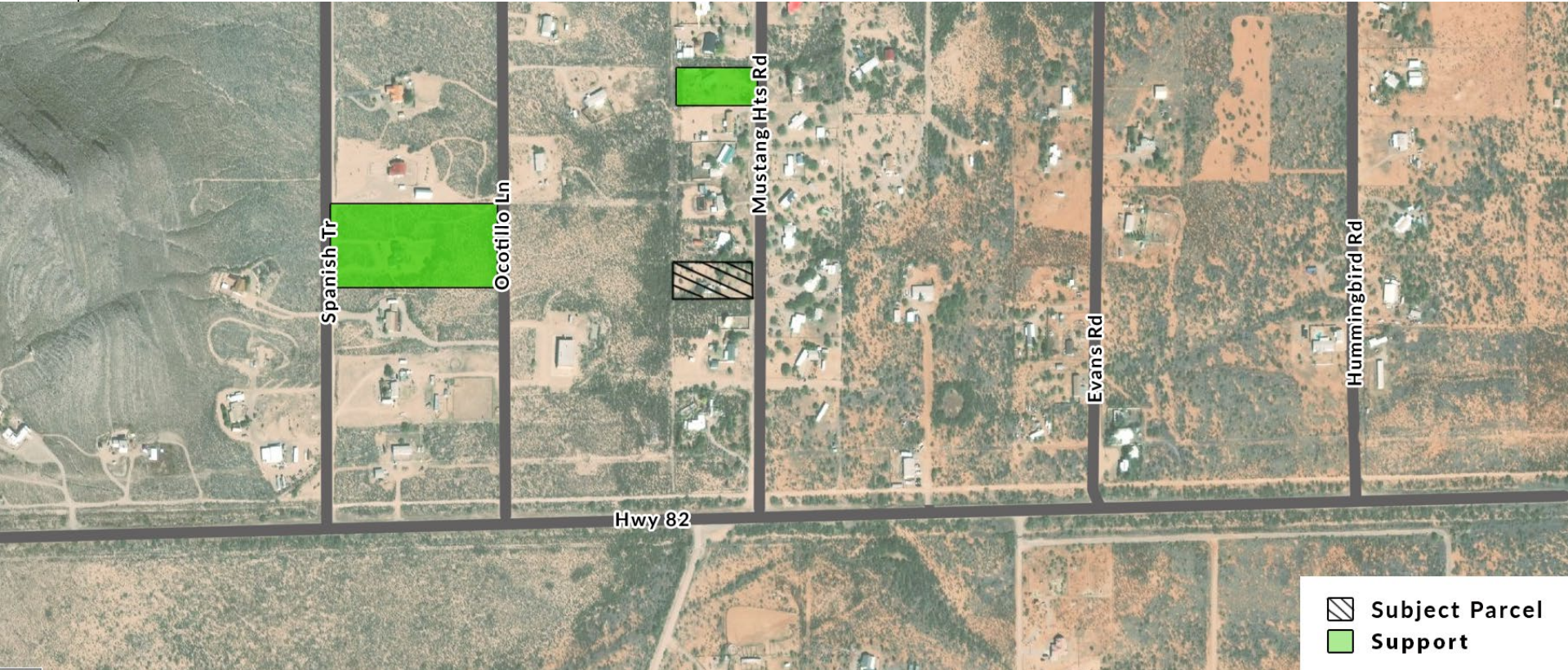
There are 10 factors used to evaluate all **special use** proposals. As submitted, the application:

- Complies: 5 factors
 - Compliance with the Zoning District Purpose
 - Adequate Services and Infrastructure
 - Significant Site Development Standards
 - Public Input
 - Offsite Impacts
- Not applicable: 5 factors
 - Compliance with Duly Adopted Plans
 - Develop. Along Major Streets
 - Traffic Circulation
 - Hazardous Materials
 - Water Conservation



COCHISE COUNTY **Community Input**

2 letters of support were received. No letters of opposition were received.



COCHISE COUNTY **Factors in favor of approval**

1. The project complies with five of the criteria used to evaluate special use requests, which is all the criteria applicable to this particular request; and
2. The proposed use would increase the range and quality of internet, phone and wireless data coverage within the immediate area, benefitting consumers and emergency service providers. Structurally, the tower, as proposed, could accommodate additional equipment for other providers in the future.



COCHISE COUNTY **Factors Against Approval**

1. Visual/maintenance impacts – although not expressed as a concern by nearby residents, this will result in the additional of an above-ground, 50' tall wooden utility pole. It will also be subject to periodic high winds that are common in the area.



COCHISE COUNTY

Discussion



COCHISE COUNTY **Staff Recommendations**

- Docket SU-21-13, Recommend **Conditional Approval**

If the Commission wishes to grant approval, staff recommends the following conditions:

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 18-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 24-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 apply to the proposed use pursuant to other federal, state, or local laws or regulations. The applicant shall provide all certified affidavits required by Section 1813.03 of the Zoning Regulations in conjunction with project permitting. In addition, the applicant shall file a Federal Aviation Administration (FAA) Notice of Proposed Construction at least 45 days prior to installation. The applicant shall comply with any conditions recommended by the FAA;



3. Any changes to the approved Special Use shall be subject to review by the Planning Division and may require additional modification and approval by the Planning and Zoning Commission;
4. No signage, other than emergency signage, will be allowed for this wireless communications facility; and
5. The applicant shall notify the County Zoning Inspector of any proposed frequency changes. The applicant shall also notify the County Zoning Inspector within 90-days of the facility ceasing operation. The applicant is responsible for the complete physical removal of the wireless facility and restoring the site to its original condition to the extent reasonably possible upon abandonment.



Sample Motions

Mr. Chairman, I move to approve Docket SU-21-13, with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.

