



Cochise County

Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine Mclachlan, AICP, Planner II
FOR: Daniel Coxworth, AICP, Development Director
SUBJECT: Docket SU-21-13 (Whetstone W Telecom)
DATE: April 30, 2021 for the May 12, 2021 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant requests a Special Use Authorization to approve a 50-foot tall, self-supporting wireless communications tower at 2259 Mustang Heights Rd Huachuca City, AZ 85612. The 1.04-acre site, APN 106-09-029, currently includes a double wide manufactured home, small shed and a garage/shop building, all of which are proposed to remain. The parcel carries the R-36 zoning designation. In a residential zoning district, communication towers require Special Use Authorization. The Applicant is TWN Communications.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 1.04 acres
Current Zoning: R-36 (Residential; one dwelling per 36,000 SF)
Proposed Zoning: Same
Growth Area: Category D
Comprehensive Plan Designation: Rural
Area Plan: None
Existing Uses: Residential
Proposed Uses: Residential with a telecom tower

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Residential
South	R-36	Residential
East	R-36	Residential
West	RU-4	Residential

Planning, Zoning and Building Safety

1415 Melody Lane, Building F
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Figure 1: Parcel Location Map

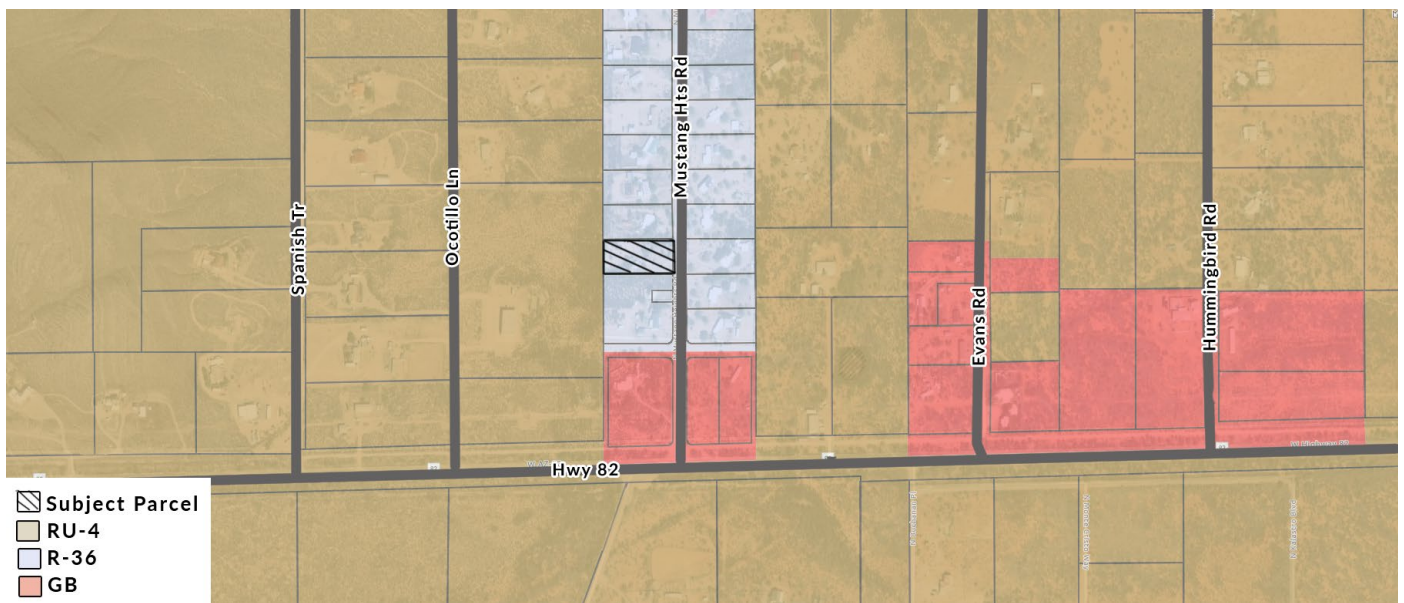


Figure 2: Zoning Map

II. PARCEL HISTORY

1991 mobile home replacement permit

III. NATURE OF REQUEST

The Applicant, TWN, requests a Special Use Authorization to approve the installation of a 50-foot tall freestanding communication tower on a residential parcel. The applicant is not the property owner, but has received notarized authorization from the property owner to install the device on the subject property.

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.

With the information provided, ten (10) factors apply to this request. The Project, as submitted, fully complies with five of the factors, the remaining five factors do not apply.

1. Compliance with Duly Adopted Plans: Complies

The project site is not within the boundary of any Area Plan. The Comprehensive Plan generally does not include policies that address accessory unmanned, wireless communication facilities, but these are uses commonly found throughout various areas in the County. The primary residential use, which does comply with the Comprehensive Plan, will remain unchanged by this use.

2. Compliance with the Zoning District Purpose Statement: Complies

As stated in Section 701 (Purpose) of the zoning regulations:

R (Residential) Zoning Districts are established to achieve the following purposes:

701.01 To provide an area for family living at a variety of low to medium densities; and

701.02 To provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.

The proposed use is intended to provide faster and more reliable internet coverage to the Whetstone community. As an accessory to an existing residential use, it helps support the function of residential uses in the area.



Photos of the Site

The surrounding area is zoned residential/rural. The majority of parcels in the area are developed with single-family homes on parcel one-acre or greater in size.

3. Development Along Major Streets: Not Applicable

The intent of this factor is to consider limitation on the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials. Mustang Heights Road is a private, non-County-maintained road. As this is an unmanned tower, that is not on a major street, no new additional access points onto major thoroughfares are proposed or necessary; consequently, this factor does not apply.

4. Traffic Circulation Factors: Not Applicable

Specifically, this factor stipulates that the Special Use Authorization request should not result in the use of any residential street for non-residential through traffic. Apart from the initial construction crew and maintenance teams, the site is expected to receive minimal traffic during the life of its operation.

5. Adequate Services and Infrastructure: Complies

The wireless communication towers provide additional wireless service to the region. Electric power is provided by Sulfur Springs Valley Electric Co-op (SSVEC). Per the application, the equipment attached to the proposed structure will require new service. Because the owner of the structure is not the owner of record for the property, SSVEC will require an easement from the property owner prior to approval and activation of the new service. The applicant will also need to satisfy all service conditions and service entrance requirement required by SSVEC for new service.

6. Significant Site Development Standards: Complies

Wireless Communication facilities are subject to a set of use-specific site development standards contained in Section 1813 of the Zoning Regulations. Among them are standards relative to co-location, setbacks, height standards, design and certification, as well as noise. The proposed tower meets all site development standards, as proposed.

Development Standard	Proposed
All new communication facilities will be designed by a Registrant licensed by the State of Arizona.	Will comply
For towers up to 150-feet in height, the structure shall be designed to accommodate at least two providers.	Complies
Certifications	Will comply (permitting)
Setbacks: must be setback from all parcel boundaries, lease boundaries and rights-of-way a distance equal to at least the height of the tallest structure in the facility, measuring from its base.	Complies - 50' height, 50' setback from all boundaries
Min Site Area	Exempt
Max height	No limit with SUP
Noise or Vibration	Will comply

7. Public Input: Complies

The Applicant mailed letters to property owners within 1,000 feet of the property before application submittal. See Section V. Public Comment for additional discussion.

8. Hazardous Materials: Not Applicable

The Applicant states that the use of hazardous and dangerous materials is not anticipated on site.

9. Offsite Impacts: Complies

This installation is primarily intended to provide more robust internet, wireless phone and data coverage for the immediate area, which is technically an offsite impact. Other impacts, such as dust, smoke, lights and storm water run-off are not applicable in this case. Noise and vibration are regulated by section 1813 of the Zoning Regulations. As a small-scale telecom structure, the proposed use should readily comply.

10. Water Conservation: Not Applicable

The proposed use will not require additional water to serve. This criterion does not apply.

V. PUBLIC COMMENT

The Applicant mailed letters to property owners within 1,000 feet of the property prior to their application submittal.

The case planner mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the *Sierra Vista Herald* and posted legal notices on the property. To date, staff has received two responses in support and zero responses in opposition.

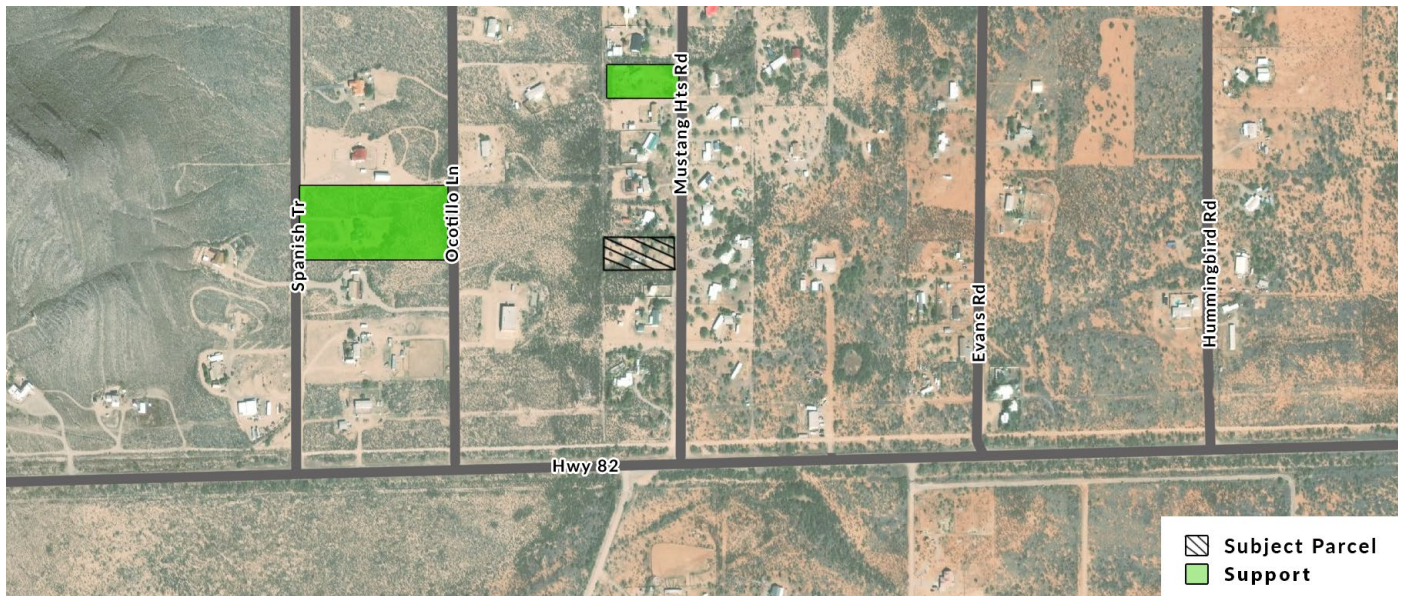


Figure 3: Public Input Map

VI. WAIVERS

None requested.

VII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a 50-foot wireless communication tower on a 1.04-acre residential parcel.

Factors in Favor of Approving the Special Use

1. The project complies with six of the criteria used to evaluate special use requests, which is all the criteria applicable to this particular request;
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.

Factors Against Approving the Special Use

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.

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends **Conditional Approval** of the Special Use request. If the Commission chooses to approve the request, staff recommends the approval be subject to 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.