



## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Christine McLachlan, AICP, Planning Division Manager  
**SUBJECT:** SU23-29 (Communication Tower)  
**DATE:** January 10, 2024

### Docket SU23-29 (Pomerene Communication Tower)

The applicant requests Special Use Authorization for an existing communication tower and supporting ground equipment. The property is located at 1026 Pomerene Road, approximately 2.5 miles north of Interstate 10.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Integrated Elements Unlimited – Merlin Hinrichs  
Location: 1026 E. Pomerene Road  
APN: 208-47-045S  
Parcel Size: 23 acres (400 SF project area)  
Zoning: R-18 (Residential District, 18000 SF minimum site area)  
Growth Area: C – Rural Community  
Plan Designation: Rural  
Existing Use: Single Family Residence with accessory structures, communication tower  
Proposed Use: Communication Tower

### Surrounding Zoning and Uses

|       |            |  |
|-------|------------|--|
| North | R-18, RU-4 | Single family residential, undeveloped |
| South | R-18, R-36 | Single family residential, undeveloped |
| East  | R-18, RU-4 | Single family residential, undeveloped |
| West  | R-18       | Single family residential, undeveloped |

### II. SITE HISTORY

Single family residence, septic system, and accessory structures (1996 – 2009)

### III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests Special Use Authorization approval for an existing communication tower with supporting ground equipment. The tower is approximately 18' in height and supported with guy wires. Solar array and battery equipment is located at the base of the pole, standing at a height of about 2'. The tower's microwave equipment broadcasts at approximately ¼ watt. The communication facility provides broadband service to 100 customers and is located at an elevation of 3670'. The project area is accessible on-foot only.

**IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 2.48.160 of the Zoning Regulations identifies ten (10) factors to evaluate Special Use applications. Staff uses these factors to determine the suitability of a special use request, whether to recommend approval, and to determine if conditions and/or modifications are needed to mitigate potentially negative impacts on surrounding properties. With the information provided, nine (9) factors apply to this special use request with nine (9) factors complying.

**1. Compliance with Duly Adopted Plans: Complies**

The subject property is designated “Rural” by the comprehensive plan and falls within Growth Area C (Rural Community Area). R-18 is not consistent with the rural land use designation though it is consistent with the growth area as it is within a rural, low-density area with small clusters of residential and non-residential development. Communication facilities are permitted in R-18 with a special use authorization regardless of plan designation or growth area.

**2. Compliance with the Zoning District Purpose: Partially Complies**

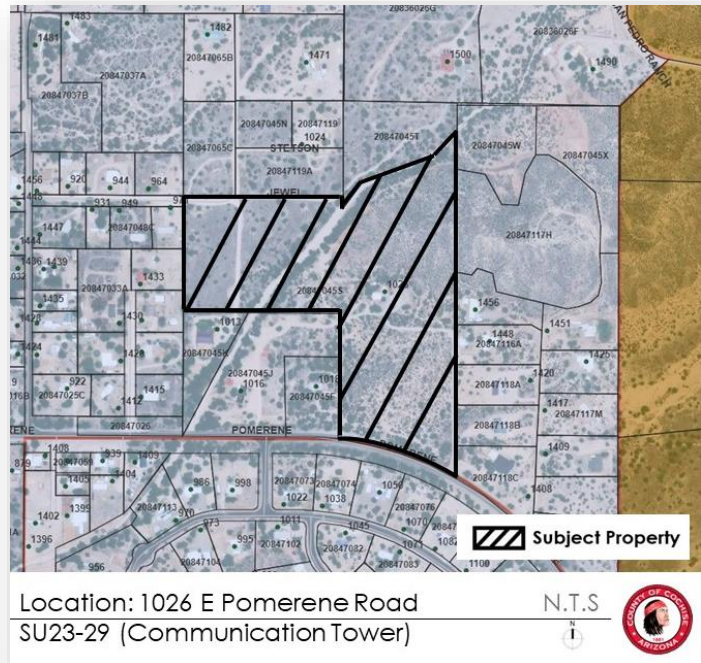
The property’s R-18 zoning is a residential zoning district with sub-categories ranging in minimum site areas from 9000 SF to 36,000 SF. The district accommodates small to medium single-family residential development to achieve the following:

1. Provide an area for families living at a variety of low to medium densities.
2. Provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.

The proposed special use does not comply with the purposes of the zoning district as currently identified in zoning regulations. However, R-18 allows non-residential uses without special use approval, including mobile, manufactured, and recreation vehicle parks; utility installations which may include substations, booster stations, water tanks, and communications towers; churches or places of religious worship; emergency vehicle stations; and community gardens. In addition to communication towers, uses allowed in R-18 with special use approval include animal husbandry, cemeteries, commercial plant nurseries, grocery stores, health clinics, mini-warehouses, and veterinary clinics.

**3. Development Along Major Streets: Complies**

The intent of this factor is to consider limiting the number of access points on major thoroughfares, arterials, or collectors by using frontage roads, shared access, and no access easements. Incorporating such measures



promotes fewer road cuts to avoid potentially unsafe traffic conflicts, hazardous traffic congestion, and roadway obstruction caused by traffic.

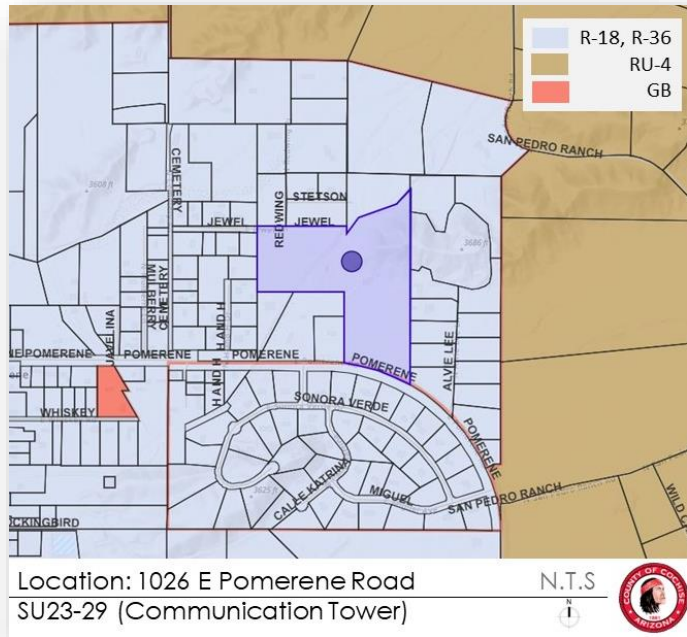
Pomerene Road is an improved and county-maintained collector. The subject property is residential in character with two existing drives along Pomerene Road. No additional driveways are proposed.

**4. Traffic Circulation: Complies**

This Special Use Authorization factor stipulates:

1. The request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The request does not result in the use of any residential street for non-residential traffic.
3. Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted.

The subject property has direct access to Pomerene Road, a county collector. The limited scope of the use does not require off-site road improvements or an over-intensification of Pomerene Road’s existing roadway classification.



**5. Adequate Services and Infrastructure: Complies**

The subject property has direct access to an existing, improved collector road (Pomerene Road). Power is provided by SSVEC, and the property falls within the Pomerene Domestic Water community water system. The property is located within the Pomerene Fire District with the nearest station about ¾ mile to the west.

**6. Significant Site Development Standards: Complies**

Section 2.51.120 of county zoning regulations contains communication facility development standards:

- **Existing Towers.** A communication tower in existence prior to the effective date of the 1999 revised Zoning Regulations will not require a Special Use or building permit if located in an applicable Zoning District.

*Staff comment: Communication equipment was installed about 1.5 years ago and is not exempt from county zoning regulations or building code.*

- **Design.**
  - All new communication facilities will be designed by a Registrant licensed by the State of Arizona.
  - For towers up to 150 feet in height, the structure shall be designed to accommodate at least two providers.
  - For towers greater than 150 feet in height, the structure shall be designed to accommodate at least three

providers.

*Staff comment: Existing equipment is the property of Integrated Elements Unlimited, providing broadband internet service to subscribers. Additional services may be added in the future per the submitted application. The tower does not serve as a leased platform available to cell service carriers. This communication facility is subject to zoning regulation and building code requirements.*

- **Certification.**

- Affidavits will be provided to show conformance with all Federal Aviation Administration (FAA) requirements regarding lighting and marking so as not to create a hazard to air navigation.
- Affidavits will be provided to show conformance with all Federal Communications Commission (FCC) technical emissions standards and licensing requirements, including radio frequency data.
- Prior to permit issuance for new communication equipment on an existing tower, a certificate, report, or plan prepared and stamped by an Arizona-Registered Professional Engineer will be provided by the Applicant that indicates the equipment and tower will meet minimum safety standards regarding deflection and survival specs at the proposed antenna load and with regard to potential electrical hazards.

*Staff comment: Existing pole and equipment are not exempt from FAA, FCC, or building code requirements.*

- **Setbacks.** Communication facilities must be setback from all parcel boundaries, lease boundaries, and rights-of-way at a distance equal to at least the height of the tallest structure in the facility, measuring from its base. No setbacks are required between communication facilities located on the same parcel.

*Staff comment: Applicant states existing tower and equipment are about 30' from the east property line but has not provided a site plan. The property owner has also stated the existing fence is located within the property line and does not know exact location of east property line. The zoning regulations require setbacks that are equal to or greater than the height of the tower. Applicant estimates above ground height at 18' with about 6' below grade. Staff recommends approval of the special use with the condition the applicant provides a notarized affidavit confirming communication equipment distance from the east property line.*



- **Minimum Site Area Requirements.** Communication facilities will be exempt from the Zoning Districts' minimum site area requirements.

*Staff comment: Maximum site coverage in Residential districts is 65%. Existing project area is approximately 400 SF on a parcel slightly over 23 acres.*

- **Maximum Height.** In those Zoning Districts where communication towers are permitted use, the towers shall be limited to the maximum allowable height of the Zoning District unless otherwise noted in that District. There shall be no limit to the requested maximum height of a tower seeking approval through the Special Use Authorization process.

*Staff comment: R-18 does not allow communication facilities by right. Towers in this zoning district are subject to*

*special use approval, deferring to standards in Section 2.51 of the zoning regulations. Towers subject to special use approval may be approved for any height.*

- **Noise or Vibration.** No noise or vibration (other than normal vehicular traffic) will be permitted, which is discernible on neighboring residential sites to the unaided human senses for three minutes or more duration in any one-hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or 30-seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m.

*Staff comment: Applicant states equipment operates 24-hours per day, 7-days per week. Project area is only accessible on-foot, and low-frequency facility does not produce measurable noise, vibration, dust, smoke, lighting, stormwater run-off impacts to adjacent properties.*

- **Removal of Abandoned Communication Facilities.** Any facility that is not operated for a continuous period exceeding twelve months will be considered abandoned, and the owner of such facility will remove the structure(s) within 90-calendar days of receipt of notice from the County Zoning Inspector.

*Staff comment: This zoning regulation provision remains in effect even with special use authorization approval.*

## **7. Public Input: Complies**

Section 2.48.160 of the Zoning Regulations states, “If public concerns have been raised, it is fair to ask if the applicant has made a reasonable effort to address these concerns through the Citizen Review Process.” The applicant sent letters to surrounding property owners December 6, 2023, and has not received concerns about the existing communications facility.

## **8. Hazardous Materials: Not Applicable**

The applicant does not propose using hazardous or dangerous materials on the site.

## **9. Off-Site Impacts: Complies**

This factor is intended to ensure adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, and/or stormwater run-off. Site equipment is located at an elevations of about 3670’ which is about 80’ above the nearest habitable structure. The equipment operates at about 673 milliwatts and does not generate measurable noise or vibration. The 400’ project area is located on rocky soils and not accessed by vehicles – dust and smoke are not by-products of normal equipment operation or maintenance. The project site is not located within a floodplain and FAA tower lighting requirements are typically unobtrusive on surrounding uses.

## **10. Water Conservation: Complies**

The existing communication tower and supporting equipment does not require water. Should water be necessary to support this use in the future, county-wide water conservation requirements identified in Section 2.51.170 of the zoning regulations will apply.

## **V. PUBLIC COMMENT**

Staff posted the property on December 19, 2023. Staff also mailed notices to property owners within 300’ and published legal notice in the Herald/Review on December 20, 2023. The county has not received public input in favor of or opposed to the special use request.

## **VI. WAIVERS**

The applicant is not requesting waivers from any required development standards.

**VII. SUMMARY AND CONCLUSION**

The applicant requests special use authorization for an existing communication tower approximately 18' and estimated not to exceed 20' in height. This communication facility (pole, equipment, solar panels, battery storage) provides broadband service to an estimated 100 customers. The nearest residence is about 340' to the south. As submitted, the special use request complies with 9 of 10 factors identified in county zoning regulations to evaluate special use authorization requests.

**Factors in Favor of Approval**

1. Complies with nine Special Use Authorization factors.
2. Low intensity, portable use in an area with limited residential development.
3. Terrain offers desirable location with low probability of nearby incompatible uses in the future.
4. No opposition from surrounding property owners.

**Factors Against Approval**

None identified.

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends **Conditional Approval** of Docket SU23-29 for an existing communication tower with supporting ground equipment with the following condition:

- The applicant shall provide a notarized affidavit within 30-days confirming the distance of the existing communication tower and all supporting equipment from the east property line. Tower height shall not exceed the distance of the tower and supporting ground equipment from the property line.

\*Standard conditions related to acceptance of conditions, permitting timeframes, and modifications to an approved special use apply to and have not been modified by this request.

**Sample Motion**

*Madam Chair, I move to approve Docket SU23-29 (Communication Tower) with Conditions of Approval recommended by staff, the Factors of Approval constituting Findings of Fact.*

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