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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: SU24-03 (Ramsey Road Telecom)
DATE: April 10, 2024

Docket SU24-03 (Ramsey Road Telecom)

The applicant requests Special Use Authorization for an existing communication facility with 17' lattice tower and supporting ground equipment. The property is located on the 1800 Block of E. Ramsey Road between N. Dusty Tyra and N. Saddle Vista Roads near Benson, AZ.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Dakota Pro – Latoya Phipps
Location: 1800 Block of Ramsey Road
APN: 123-30-005J
Parcel Size: 25.16 acres (36 SF project area)
Zoning: R-36 (Residential District, one dwelling per 36,000 square feet)
Growth Area: D – Rural Areas
Plan Designation: Rural
Existing Use: Undeveloped
Proposed Use: Communication facility with 17' tower

Surrounding Zoning and Uses

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

II. SITE HISTORY

The property is undeveloped.

III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests Special Use Authorization approval for an existing communication facility with 17' lattice structure and supporting equipment, including solar panels, battery banks, and WiFi radios. The project site has a ground area of about 36 square feet and is located at an elevation of about 3714', providing direct internet service to 24 customers.

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, eight (8) factors apply to this special use request with eight (8) factors complying with conditions.

1. Compliance with Duly Adopted Plans: Complies

The subject property is designated “Rural” by the comprehensive plan and falls within Growth Area D (Rural Areas). R-36 is not consistent with existing plan designations but is consistent with the existing growth pattern near Interstate 10, being in an area with clustered low density residential and non-residential development. Communication facilities are permitted in R-36 with a special use authorization regardless of plan designation or growth area.

2. Compliance with the Zoning District Purpose: Complies

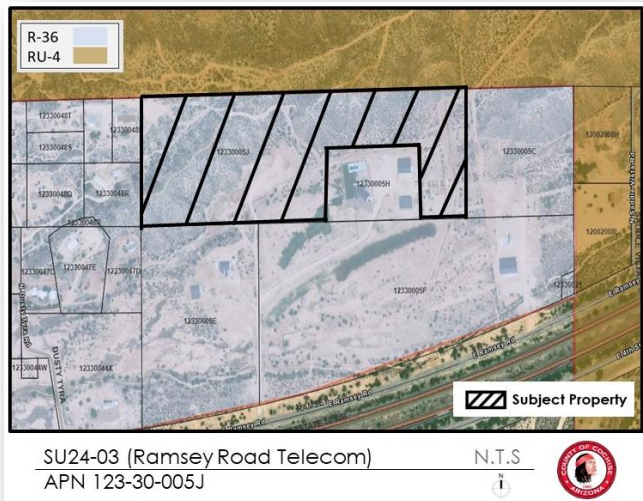
The property’s R-36 zoning is a residential zoning district with sub-categories ranging in minimum site areas from 9000 SF to 36,000 SF. The district accommodates small to medium single-family residential development to achieve the following:

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-36 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-36 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: Not Applicable

The project area is located on a property without direct access to a major street, so this factor does not apply. 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.



4. Traffic Circulation: Complies with Conditions

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 project area is accessible by Dusty Tyra Road (private road) or from an adjacent property to the south. The subject property (APN 123-30-005J) and property to the south (APN 123-30-005H) are under common ownership. Passenger-sized trucks traverse several residential properties along Dusty Tyra to access the project site. Although service vehicle traffic is anticipated to be limited with little impact to the road, staff included a condition of approval to ensure any damage caused by applicant vehicles will be repaired. A nearby property owner expressed concern that non-residential use of Dusty Tyra through their property is a nuisance and negatively impacts the condition of the otherwise un-improved private road. The facility is identified as self-sustaining and is expected to generate few service visits. Off-site improvements to public streets are not required.

RAM Point of Presence Concept/Siteplan



5. Adequate Services and Infrastructure: Complies

The communication facility does not require utilities.

6. Significant Site Development Standards: Complies with Conditions

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: Existing communication equipment was installed within the past year and is not exempt from county zoning regulations or building code requirements.

- **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 Dakota Pro, providing high speed internet service to subscribers. Additional services may be added in the future though the facility does not serve as a leased platform for other providers. The applicant requests a waiver from this requirement as co-location with additional providers will not occur at this site.

- **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: Communication facility is subject to applicable FAA, FCC, and county building code requirements. Regulatory compliance will be confirmed during county building permit process.

- **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 lattice structure measures 17' in height and is the tallest facility component. Setbacks from east, west, and south property lines exceed 500' and north property line setback is 145'.

- **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 36 square feet on a parcel exceeding 25 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-36 does not allow communication facilities by right. These facilities are subject to special use approval, deferring to standards in Section 2.51 of the zoning regulations. Towers or other vertical structures used for mounting communication equipment 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: Facility equipment is low-frequency, operating 24-hours per day, 7-days per week without measurable noise, vibration, dust, smoke, odors, or other potential nuisances.

- **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 for all communications facilities.

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 on February 8, 2024, without comment.

8. Hazardous Materials: Not Applicable

Hazardous or dangerous materials will not be used on this 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. Project site totals about 36 square feet and is located at an elevation of about 3700'. The nearest residence is located about 500' to the west with eight residences within ¼ mile of the project area.

Facility site is not located within a floodplain and FAA tower lighting requirements, if required, are typically unobtrusive on surrounding uses. Fort Huachuca has no issues or concerns with this facility.



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

The applicant mailed neighborhood letters on February 8, 2024. Staff posted the property and mailed notices to property owners within 600' on March 20, 2024, publishing legal notice on March 22, 2024.

VI. WAIVERS

The applicant requested a waiver from the co-location requirement.

VII. SUMMARY AND CONCLUSION

The applicant requests special use authorization for an existing communication facility with 17' lattice structure used for mounting equipment. This communication facility (pole, equipment, solar panels, battery storage) provides high speed internet service to 24 customers in the Benson/Pomerene area. The nearest residence is about 500' to the west. The special



use request complies with 8 of 10 factors identified in county zoning regulations with conditions.

Factors in Favor of Approval

1. Complies with eight Special Use Authorization factors.
2. Low intensity, portable use in a low-density residential area.
3. Property elevation desirable for broadband facilities.

Factors Against Approval

1. Opposition from nearby property owner.
2. Service vehicles use unimproved private road (Dusty Tyra) to access project site.

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends approval of Docket SU24-03 for an existing communication facility with tower and supporting ground equipment with the following conditions:

1. Applicant or property owner shall repair any damage to Dusty Tyra Road caused by service vehicles visiting the communication facility site.
2. Applicant has discretion to accommodate additional providers per requested waiver.
3. 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 substantial conformance with the approved special use concept plan, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 12-months of the Special Use approval otherwise, the Special Use may be deemed void upon 30-day notification to the applicant.
4. 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.
5. 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

Madam Chair, I move to approve Docket SU24-03 (Ramsey Road Telecom) with conditions of approval recommended by staff, the factors in favor of approval constituting the findings of fact.
