



## 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:** SU24-15 (Rocky Road Telecom)  
**DATE:** September 11, 2024

### Docket SU24-15 (Rocky Road Telecom)

A Special Use Authorization request for a communications facility to provide internet service to rural customers. The subject property is located at the southwest corner of Rocky and Glenn Roads near Douglas.

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

Applicant: Pyramid Network Services – Allison Squires  
Location: 5590 N. Rocky Road  
APN: 407-53-021  
Parcel Size: 19.8 acres (one acre lease area)  
Zoning: R-36 (Residential District, one dwelling per 36,000 square feet)  
Growth Area: D – Rural Areas  
Plan Designation: Rural  
Existing Use: Utility Building (Fiber Hub)  
Proposed Use: Communication Facility

#### Surrounding Zoning and Uses

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

#### II. SITE HISTORY

- 2017 – 420sf<sup>2</sup> Fiber Optic Cable Booster Station (CP17-566, issued)
- 2024 – 846sf<sup>2</sup> Fiber Optic Utility Building (CP24-106, under review)
- No active code compliance cases

#### III. SPECIAL USE AUTHORIZATION REQUEST

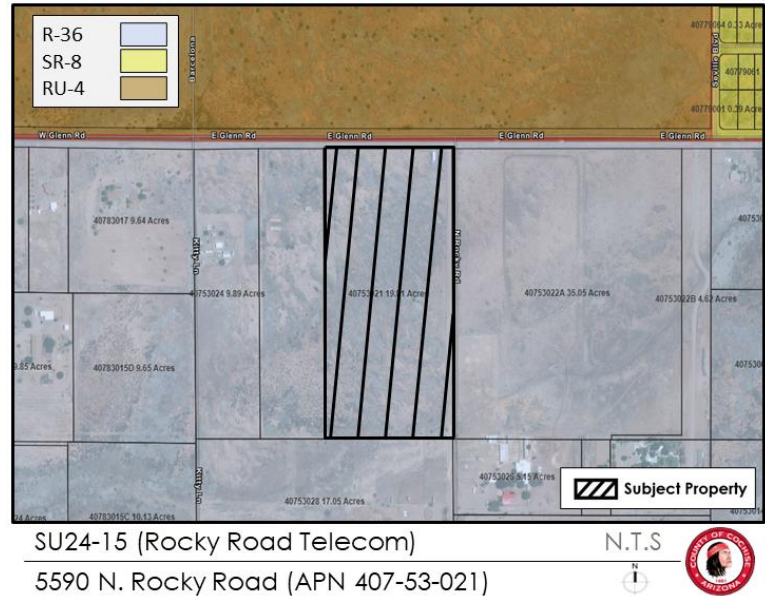
The applicant requests Special Use Authorization approval for a communication facility that features low Earth orbit satellite linked dishes to provide subscription internet services to rural customers at fixed locations. Improvements include five antennae mounted on concrete pads and supporting equipment within a fenced compound. The project area is measures 86'X63' (5418 ft<sup>2</sup>) and lies within a leased area of approximately one acre.

**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 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 north of Douglas near Highway 191, featuring a mix of residential and non-residential uses on parcels ranging from less than one acre to well over 40 acres. 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; and communications facilities; 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.

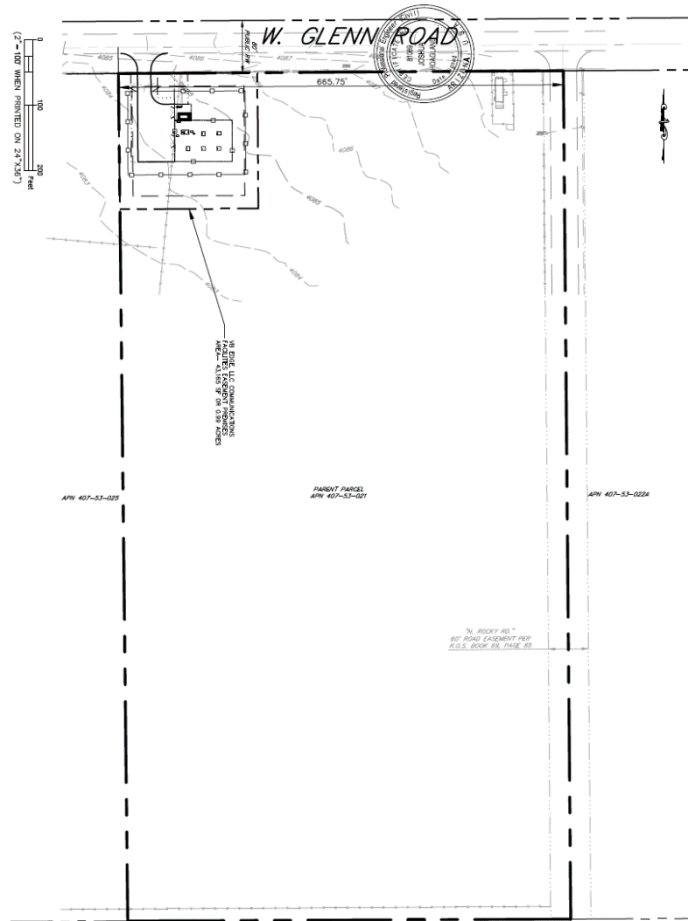
**3. Development Along Major Streets: Complies**

The project site is accessible from Glenn Road (Rural Minor Collector), which is located about one mile east of Highway 191. The property itself is addressed on Rocky Road, an unpaved private road, but the project site will not utilize this road for direct access. 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**

This Special Use Authorization factor stipulates:

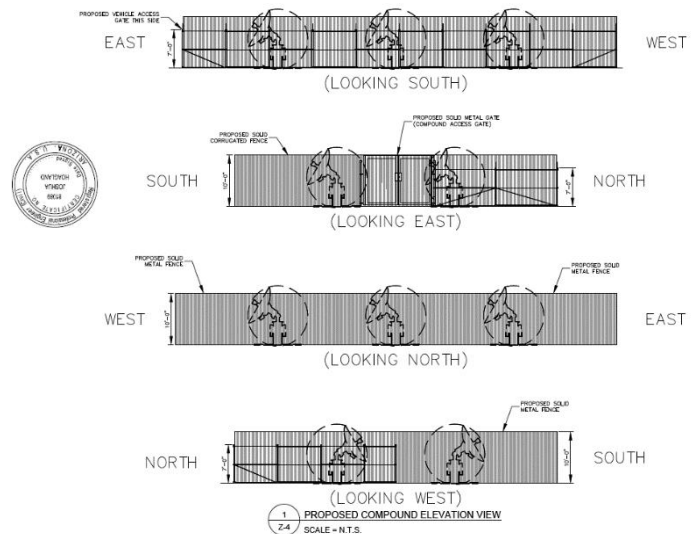
1. The request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The request does not result in the use of any residential street for non-residential traffic.
3. Consideration of future circulation needs in the surrounding area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



The project area is accessible by Glenn Road, an improved minor collector. After construction, estimated vehicular traffic is one to four monitoring and maintenance visits per year. Off-site improvements or right-of-way dedications are not required for this project, and local roads such as Rocky Road will not be used during or after construction.

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

The site has electrical service for the existing utility building, falling within the Arizona Public Service (APS) service area and less than 1.5 miles from Sulphur Springs Valley Electric Cooperative service area. The property is also located about three miles north of Sunnyside Fire District boundaries and nearest fire station. The project



area has frontage along Glenn Road, an improved Rural Minor Collector, with 20' pre-approved commercial access requiring hardened apron and driveway surface. Water is not required for the communication facility.

## 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: Not applicable to this application.**

- **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: Engineered drawings will be required at permitting. Co-location requirements do not apply to this application.**

- **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: 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: Structure heights are a proposed 12' and all setbacks exceed minimum requirements.**

- **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%. Project area site coverage is less than 2%.**

- **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: Not applicable to this application.**

- **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 operates 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 applies to 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 property owners within 750' on July 8, 2024, with one response in support.

### 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 one acre featuring five satellite dishes within a fenced area which terminates within 100' from Glenn Road. The nearest residence is located about 550' to the west with four residences within ¼ mile of the project site. This site is not within Fort Huachuca's electronic testing range boundaries. Communications facilities do not typically generate offensive smoke, odors, or noise. On-site lighting is subject to county review per Section 2.45 of the zoning regulations. Fugitive dust may be generated during construction but is likely to be minimal given the limited size of the project area (5,418 ft<sup>2</sup>). The project exceeds minimum R-36 development standards including setbacks, lot coverage, and height.

### 10. Water Conservation: Complies

The proposed facility 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.

Additionally, the property is located in the Douglas Active Management Area (AMA) which regulates the withdrawal and use of groundwater with oversight from the Arizona Department of Water Resources (ADWR).

#### **V. PUBLIC COMMENT**

The applicant mailed neighborhood letters on July 8, 2024. Staff mailed notices to property owners within 750' and published legal notice on August 21, 2024, posting the property on August 7, 2024.

#### **VI. WAIVERS**

The applicant is not requesting waivers.

#### **VII. SUMMARY AND CONCLUSION**

The applicant requests special use authorization for a communication facility with five satellite dishes. The facility will provide high speed internet services to residential and non-residential customers via subscription. The nearest residence is about 550' to the southwest of the proposed one acre project site. Overall impacts on adjacent properties are minimal given the small scale of the project, location along a major roadway, and compliance with applicable site development standards.

#### **Factors in Favor of Approval**

1. Complies with nine Special Use Authorization factors.
2. Low/no water consumption use.
3. Provides subscription internet service to rural customers.

#### **Factors Against Approval**

1. Potential visual blight for nearby residents.

#### **VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU24-15 for an existing communication facility with tower and supporting ground equipment with 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 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.
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.
3. 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 SU24-15 with conditions of approval recommended by staff, the factors in favor of approval constituting the findings of fact.

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