



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 21, 2017

Title: P17CU00007 - Weeks - W. Bopp Rd. - Type III Conditional Use Permit

Introduction/Background:

The proposal is to add a new communication tower. The tower is proposed at 80 feet in height and is located on the southwest side of town on Bopp Rd.

Discussion:

The new tower is proposed on a parcel owned by John Weeks located at 7711 W. Bopp Rd. This proposed site is on a property that is used as a nursery in a low density rural setting.

Conclusion:

The Pima County Zoning Code requires a Type III Conditional Use Permit for new towers over 50 feet in height.

Recommendation:

The Pima County Hearing Administrator recommends approval of the conditional use permit. The Planning and Zoning Commission heard the case on September 27, 2017. The Planning and Zoning Commission recommends approval of the conditional use permit.

Fiscal Impact:

None

Board of Supervisor District:

1 2 3 4 5 All

Department: Development Services Department - Planning Telephone: 520-724-9000

Contact: Tom Drzazgowski Telephone: 520-724-6675

Department Director Signature/Date: [Signature] 10/30/17

Deputy County Administrator Signature/Date: [Signature] 11/2/17

County Administrator Signature/Date: [Signature] 11/2/17

NOV 08 17 17:02:41 PC CLK OF BD


PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Sharon Bronson, Supervisor, District #3
FROM: Chris Poirier, Planning Official *Tom Drzazgowski*
Public Works-Development Services Department-Planning Division
DATE: October 26, 2017
SUBJECT: P17CU00007 WEEKS – W. BOPP RD.
(Conditional Use – Type III – Communication Tower)

The above referenced Conditional Use Permit is within your district and scheduled for the Board of Supervisors' **TUESDAY, November 21, 2017** hearing.

REQUEST: Conditional Use – Communication Tower

OWNER: John R. Weeks
7711 W. Bopp Rd.
Tucson, AZ 85735

AGENT: Nancy Smith, Wingspan Wireless
8795 W. Dove Roost Rd.
Queen Creek, AZ 85142
Representing Eco-Site Inc. and T-Mobile

DISTRICT: 3

STAFF CONTACT: Tom Drzazgowski

PUBLIC COMMENT TO DATE: One (1) member of the public appeared at the Planning and Zoning Commission hearing to address concerns.

HEARING ADMINISTRATOR RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS (6 – 0; Commissioners Cook, Gungle and Matter were absent).

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject tower site is located outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/TD/ar - Attachments



PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P17CU00007

Page 1 of 2

FOR NOVEMBER 21, 2017 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: October 26, 2017

ADVERTISED ITEM FOR PUBLIC HEARING
TYPE III CONDITIONAL USE PERMIT
COMMUNICATION TOWER

P17CU00007 WEEKS – W. BOPP RD.

Request of Eco-Site and T-Mobile (Nancy Smith) representing Jon Weeks, on property located at 7711 W. Bopp Rd., in the GR-1 Zone, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. On motion, the Planning and Zoning Commission voted 6-0, to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Cook, Matter and Gungle being absent). The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 3)

Planning and Zoning Commission Hearing (September 27, 2017)

The Planning & Zoning Commission hearing on this case took place on September 27, 2017. At same, the Commission heard staff's and the applicant's presentation as to the particular details of the application. One (1) member of the public (an adjacent property owner) appeared to speak on the matter. The individual stated that he had purchased his property for investment purposes in order to split it into smaller lots. He asked that the tower location be moved further from his property and asserted that, if it was approved in its presently planned location, the tower would financially harm his investment and requested that he be compensated for damages if it was approved. Staff had received no other public comment prior to the public hearing.

The Commission inquired as to whether an alternative location could be considered. Staff indicated that the surrounding property owners were notified using information showing the currently proposed location, and that any change in same should rightly be shared with the same surrounding property owners. Staff also indicated that the Federal Telecommunications Act prohibits local zoning authorities from considering perceived impacts of communication towers on adjacent property values when rendering their decisions.

cc: John R. Weeks, 7711 W. Bopp Rd., Tucson, AZ 85735
Nancy Smith, Wingspan Wireless, 8795 W. Dove Roost Rd., Queen Creek, AZ 85142
Tom Drzazgowski, Principal Planner
P17CU00007 File



Board of Supervisors Memorandum

P17CU00007

Page 1 of 6

FOR BOARD OF SUPERVISORS NOVEMBER, 2017 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: October 6, 2017

DOCUMENT: P17CU00007

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING

Request of Eco-Site and T-Mobile (Nancy Smith), representing Jon Weeks, on property located at 7711 W. Bopp Road, in the GR-1 Zone, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. (District 3)

CASE PARTICULARS

This is a Type III Conditional Use Permit request for a new eighty foot (80') tall **communications tower** and attendant on-the-ground equipment area with security fencing. The proposed new tower will be integrated into the plant nursery area and will be set back a minimum of ninety feet (90') from all property boundaries. The on-the-ground equipment area will be contained only by a cyclone fence, since it will be fully screened from adjacent properties by the intervening landscape nursery functions.

The proposed tower is on property located at 7711 W. Bopp Road (tax code parcel # 212-40-011B) and is slightly less than one (1) acre in area. The subject property contains an operating plant nursery. Furthermore, there is already an existing fifty-foot (50') tall communication tower on the site that is camouflaged as a monopalm. This tower was allowed as a Type I conditional use (Case No. P21-15-002) due to its height being fifty feet or less. The current application is for an eighty-foot (80') tall tower that will also be camouflaged as a monopalm; this tower requires a Type III conditional use permit because its requested height exceeds fifty feet. The surrounding site context is a mixture of rural residential (west, south and east) and mobile home park (to the adjacent north across Bopp Road).

SUMMARY OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING

The Planning & Zoning Commission hearing on this case took place on September 27, 2017. At same, the Commission heard staff's and the applicant's presentation as to the particular details of the application. One (1) member of the public (an adjacent property owner) appeared to speak on the matter. The individual stated that he had purchased his property for investment purposes in order to split it into smaller lots. He asked that the tower location be moved further from his property and asserted that, if it was approved in its presently planned location, the tower would financially harm his investment and requested that he be compensated for damages if it was approved. Staff had received no other public comment prior to the public hearing.

The Commission inquired as to whether an alternative location could be considered. Staff indicated that the surrounding property owners were notified using information showing the currently proposed location, and that any change in same should rightly be shared with the same surrounding property owners. Staff also indicated that the Federal Telecommunications Act prohibits local zoning authorities from considering perceived impacts of communication towers on adjacent property values when rendering their decisions.

After closing the public hearing, the Commission voted 7-0 (motion by Bain, seconded by Gavin; Commissioners Cook and Gungel being absent) to recommend APPROVAL of this CUP request to the Board of Supervisors, being in recognition of the twenty-one (21) criteria as outlined by the Federal Telecommunications Act as addressed in the Hearing Administrator's separate memorandum of September 5, 2017, and recommending approval as per the following standard and special conditions as promulgated by the Hearing Administrator:

Standard Conditions (per the Pima County Zoning Code)

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new top height of the tower structure shall not be more than the requested eighty feet (80') and shall be camouflaged as a monopalm.
2. The fronds of the monopalm are permitted to extend to a height of eighty-five feet (85').
3. All associated cabling, etc. necessary to serve the antennae will be placed within the monopalm base.
4. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted Development Plan (DP). The use of chain-link for the security fencing is acceptable.

HEARING ADMINISTRATOR'S CONSIDERATIONS

This request proposes a new eighty foot (80') communications tower and fenced on-the-ground equipment area. There is an existing fifty-foot (50') tower on the same property, which could not be used for co-location; its height is insufficient to meet the applicant's needs for connectivity and RF transmission to/from the wireless provider's other towers in their network. The petitioner proposes to camouflage the new tower as a monopalm, the fronds of which will extend to a maximum height of eighty-five feet (85'). The Hearing Administrator finds this to be an acceptable form of camouflage, in that there is already an existing monopalm on the subject property and there are numerous tall palms trees within the surrounding viewshed.

Wireless Service Coverage and "Gap" Considerations

The Federal Telecommunications Act of 1996 encourages all new wireless installations that introduce or enhance reliable wireless coverage in those areas where a "gap" in coverage or service-quality presently exists.

The applicant's submitted propagation plots indicate that the proposed tower site is presently within an area characterized by weak signal strengths in the -114 to -97 dBm range due to its significant distance away from the nearest T-Mobile tower located to the east. With the installation of the proposed tower, signal strengths increase to the two best categories depicted on the plots, with strengths therein being in the -40 to -88 dBm and -88 to -97 dBm interior-building ranges. These before and after plots satisfactorily illustrate the presence of an existing coverage gap and the "filling" of this same gap with the proposed communications tower.

Comprehensive Plan Considerations

The Comprehensive Plan designates the subject property as *Resource Transition (RT)*, the stated purpose of which is to, "preserve open space characteristics of development sensitive lands in the vicinity of public resource management units, promote development that blends with the natural landscape, etc." This designation stems from the subject property being in relative proximity to Tucson Mountain Park and Saguaro National Park West.

It is the Hearing Administrator's finding that the proposed tower is not inconsistent with the character of the surrounding area nor with the objectives of this *Comprehensive Plan* district. The site is developed as a plant nursery and blends well with the surrounding rural-residential properties, which include subdivided and unsubdivided holdings, as well as site-built homes and mobile homes.

The proposed tower will be camouflaged as a faux palm tree, similarly to the existing 50' tower that is already present on the same property. This form of camouflage fits satisfactorily within the existing plant nursery and is visually consistent with other palm trees that exist within the viewshed further to the north. For all of these reasons, the Hearing Administrator finds the proposed use to not be in conflict with the stated goals of the Comprehensive Plan.

Zoning and Land Use Considerations

The subject parcel is zoned GR-1 (General Residential), as are all of the surrounding properties to the west, south, and east. To the north (across Bopp Road), is an existing mobile home park that is zoned CMH-2 (County Mobile Home).

HEARING ADMINISTRATOR'S RECOMMENDATION TO THE P&Z

After considering all of the above and reviewing the applicant's submitted materials, the Hearing Administrator found the proposed new eighty foot (80') communications tower, with attendant on-the-ground fenced equipment compound, to be an acceptable use on the subject property and within the surrounding context.

It was therefore the recommendation of the Hearing Administrator that the Planning & Zoning Commission recommend **APPROVAL** of this Type III conditional use permit, subject to the following Standard and Special Conditions:

Standard Conditions (per the Pima County Zoning Code)

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new top height of the tower structure shall not be more than the requested eighty feet (80') and shall be camouflaged as a monopalm.
2. The fronds of the monopalm are permitted to extend to a height of eighty-five feet (85').
3. All associated cabling, etc. necessary to serve the antennae will be placed within the monopalm base.
4. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted Development Plan (DP). The use of chain-link for the security fencing is acceptable.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Comprehensive Plan Regional Environmental Policies — Conservation Lands System

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect

recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

- Important Riparian Areas — 95% undisturbed natural open space
- Biological Core Management Areas — 80% undisturbed natural open space
- Special Species Management Areas — 80% undisturbed natural open space
- Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The subject property is located **OUTSIDE OF** the Maeveen Marie Behan Conservation Lands System (MMB-CLS).

Biological Impacts Report

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires the applicant's notice to the US Fish and Wildlife Service (USFWS) staff regarding the pending matter, and staff commentary on biological resources and development impacts of the subject site and proposal.

Staff Commentary on Biological Impacts

As indicated above, the property designated as CLS Biological Core Management Area (BCMA) of the Maeveen Marie Behan Conservation Lands System. The tower installation will result in no impact to the designated BCMA, in that the property has already been significantly disturbed by (what appears to be) significant grazing activities. No habitat or vegetative resources will be disturbed by the new tower facility.

Facts Confirmed by the Pima County Geographic Information System (GIS)

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

Cactus Ferruginous Pygmy Owl. The subject property is located within the Priority Conservation Area for the Pygmy Owl.

Western Burrowing Owl. The subject property is not located inside the Priority Conservation Area (PCA) for the Western Burrowing Owl.

STAFF REPORT TO THE BOARD OF SUPERVISORS

P17CU00007--- WEEKS – W. BOPP ROAD

October 6, 2017

Page 6 of 6

Pima Pineapple Cactus. The subject property is located within an area that is outside the known range of the Pima Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is located within an area that is outside the known range of the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION RECOMMENDATION

The Department of Transportation will review this project as need be during the permitting process.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Chris Poirier, Planning Official
Carmine DeBonis, Chief Zoning Inspector
Jon R. Weeks, Property Owner
Nancy Smith, Wingspan Wireless, representing Eco-Site, Inc. (the tower installer) and
T-Mobile (the wireless provider)

**PIMA COUNTY DEVELOPMENT SERVICES REPORT TO THE
PIMA COUNTY PLANNING & ZONING COMMISSION**

CASE: P17CU00007
WEEKS – W. BOPP ROAD

OWNERSHIP: Jon R. Weeks
7711 W. Bopp Road
Tucson, AZ 85735

APPLICANT: Nancy Smith
Wingspan Wireless
8795 W. Dove Roost Road
Queen Creek, AZ 85142
Representing Eco-Site, Inc. and T-Mobile

LOCATION: The proposed tower is on property located at 7711 W. Bopp Road (tax code parcel # 212-40-011B) and is slightly less than one (1) acre in area. The subject property contains an operating plant nursery. Furthermore, there is already an existing fifty-foot (50') tall communication tower on the site that is camouflaged as a monopalm. This tower was allowed as a Type I conditional use (Case No. P21-15-002) due to its height being fifty feet or less. The current application is for an eighty-foot (80') tall tower that will also be camouflaged as a monopalm; this tower requires a Type III conditional use permit because its requested height exceeds fifty feet. The surrounding site context is a mixture of rural residential (west, south and east) and mobile home park (to the adjacent north across Bopp Road).

REQUEST: This is a Type III Conditional Use Permit request for a new eighty foot (80') tall **communications tower** and attendant on-the-ground equipment area with security fencing. The proposed new tower will be integrated into the plant nursery area and will be set back a minimum of ninety feet (90') from all property boundaries. The on-the-ground equipment area will be contained only by a cyclone fence, since it will be fully screened from adjacent properties by the intervening landscape nursery functions.

PETITIONER'S STATEMENT REGARDING THE TYPE OF USE PROPOSED

“Eco-Site and T-Mobile are proposing to install a new wireless communications facility with a 85' Monopalm and the associated 20' x 40' enclosed lease area below the tower.”

PETITIONER'S STATEMENT REGARDING NEED AND COMPATIBILITY

“There is a drop of coverage and data capabilities in the area and the proposed Wireless Communications Facility would fill these gaps. The proposed Monopalm would be compatible with the area as there is already an existing Monopalm as well as some existing palm trees in the area.”

The petitioner has provided a complete submittal package that includes a project narrative, together with various supporting materials, coverage/propagation plots, photo simulations, and a development/site plan.

HEARING ADMINISTRATOR'S CONSIDERATIONS

This request proposes a new eighty foot (80') communications tower and fenced on-the-ground equipment area. There is an existing fifty-foot (50') tower on the same property, which could not be used for co-location; its height is insufficient to meet the applicant's needs for connectivity and RF transmission to/from the wireless provider's other towers in their network. The petitioner proposes to camouflage the new tower as a monopalm, the fronds of which will extend to a maximum height of eighty-five feet (85'). The Hearing Administrator finds this to be an acceptable form of camouflage, in that there is already an existing monopalm on the subject property and there are numerous tall palms trees within the surrounding viewshed.

Wireless Service Coverage and "Gap" Considerations

The Federal Telecommunications Act of 1996 encourages all new wireless installations that introduce or enhance reliable wireless coverage in those areas where a "gap" in coverage or service-quality presently exists.

The applicant's submitted propagation plots indicate that the proposed tower site is presently within an area characterized by weak signal strengths in the -114 to -97 dBm range due to its significant distance away from the nearest T-Mobile tower located to the east. With the installation of the proposed tower, signal strengths increase to the two best categories depicted on the plots, with strengths therein being in the -40 to -88 dBm and -88 to -97 dBm interior-building ranges. These before and after plots satisfactorily illustrate the presence of an existing coverage gap and the "filling" of this same gap with the proposed communications tower.

Comprehensive Plan Considerations

The Comprehensive Plan designates the subject property as *Resource Transition (RT)*, the stated purpose of which is to, "preserve open space characteristics of development sensitive lands in the vicinity of public resource management units, promote development that blends with the natural landscape, etc." This designation stems from the subject property being in relative proximity to Tucson Mountain Park and Saguaro National Park West.

It is the Hearing Administrator's finding that the proposed tower is not inconsistent with the character of the surrounding area nor with the objectives of this *Comprehensive Plan* district. The site is developed as a plant nursery and blends well with the surrounding rural-residential properties, which include subdivided and unsubdivided holdings, as well as site-built homes and mobile homes.

The proposed tower will be camouflaged as a faux palm tree, similarly to the existing 50' tower that is already present on the same property. This form of camouflage fits satisfactorily within the existing plant nursery and is visually consistent with other palm trees that exist within the viewshed further to the north. For all of these reasons, the Hearing Administrator finds the proposed use to not be in conflict with the stated goals of the Comprehensive Plan.

Zoning and Land Use Considerations

The subject parcel is zoned GR-1 (General Residential), as are all of the surrounding properties to the west, south, and east. To the north (across Bopp Road), is an existing mobile home park that is zoned CMH-2 (County Mobile Home).

HEARING ADMINISTRATOR'S RECOMMENDATION

After considering all of the above and reviewing the applicant's submitted materials, the Hearing Administrator finds the proposed new eighty foot (80') communications tower, with attendant on-the-ground fenced equipment compound, is an acceptable use on the subject property and within the surrounding context.

It is therefore the recommendation of the Hearing Administrator that the Planning & Zoning Commission recommend **APPROVAL** of this Type III conditional use permit, subject to the following Standard and Special Conditions:

Standard Conditions (per the Pima County Zoning Code)

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new top height of the tower structure shall not be more than the requested eighty feet (80') and shall be camouflaged as a monopalm.
2. The fronds of the monopalm are permitted to extend to a height of eighty-five feet (85').
3. All associated cabling, etc. necessary to serve the antennae will be placed within the monopalm base.
4. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted Development Plan (DP). The use of chain-link for the security fencing is acceptable.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Comprehensive Plan Regional Environmental Policies — Conservation Lands System

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

- Important Riparian Areas — 95% undisturbed natural open space
- Biological Core Management Areas — 80% undisturbed natural open space
- Special Species Management Areas — 80% undisturbed natural open space
- Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The subject property is located **OUTSIDE OF** the Maeveen Marie Behan Conservation Lands System (MMB-CLS).

Biological Impacts Report

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires the applicant's notice to the US Fish and Wildlife Service (USFWS) staff regarding the pending matter, and staff commentary on biological resources and development impacts of the subject site and proposal.

Staff Commentary on Biological Impacts

As indicated above, the property designated as CLS Biological Core Management Area (BCMA) of the Maeveen Marie Behan Conservation Lands System. The tower installation will result in no impact to the designated BCMA, in that the property has already been significantly disturbed by (what appears to be) significant grazing activities. No habitat or vegetative resources will be disturbed by the new tower facility.

Facts Confirmed by the Pima County Geographic Information System (GIS)

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

Cactus Ferruginous Pygmy Owl. The subject property is located within the Priority Conservation Area for the Pygmy Owl.

Western Burrowing Owl. The subject property is not located inside the Priority Conservation Area (PCA) for the Western Burrowing Owl.

Pima Pineapple Cactus. The subject property is located within an area that is outside the known range of the Pima Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is located within an area that is outside the known range of the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION RECOMMENDATION

The Department of Transportation will review this project as need be during the permitting process.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Chris Poirier, Planning Official
Carmine DeBonis, Chief Zoning Inspector
Jon R. Weeks, Property Owner
Nancy Smith, Wingspan Wireless, representing Eco-Site, Inc. (the tower installer) and
T-Mobile (the wireless provider)



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

201 N. Stone Avenue, 1st Floor
Tucson, Arizona 85701-1207

CARLA BLACKWELL
Director

Phone: (520) 740-6520
FAX: (520) 798-1843

MEMORANDUM

TO: Members of the Pima County Planning & Zoning Commission

FROM: Jim Portner, Pima County Hearing Administrator

SUBJECT: **P17CU00007 – WEEKS – W. BOPP ROAD**
(Type III Conditional Use Permit Request for An Eighty Foot [80'] Tall Communications Tower)

DATE: September 5, 2017

This memorandum is intended to assist the members of the Planning & Zoning Commission in its evaluation of the above-referenced Type III request for a new communications tower. Per the Federal Telecommunications Act of 1996, twenty-one (21) criteria were established which can be considered by the local zoning authority in its decision to approve or deny such requests.

These twenty-one criteria are listed below (in *italics*), with a brief commentary on each for the Commission's consideration:

1. *Amount of compliance with permit requirements.* A Type III CUP is required because this is a request for a new, free-standing communications tower that exceeds fifty feet (50').
2. *Staff approval or disapproval.* Not applicable; the Type III CUP process calls for a recommendation by the Hearing Administrator to the P&Z, then a recommendation by the P&Z to the Board of Supervisors, and then a final decision of approval or disapproval by the Board. The Hearing Administrator's recommendation has been provided via a separate staff report memorandum to the Planning & Zoning Commission.
3. *Zoning approval or disapproval.* Not applicable; same comment as Item 2 above. This site is zoned GR-1 (General Residential).

4. *Other towers in the same zoning classification.* Several other towers have previously been approved in Pima County within the GR-1 zone.
5. *Other towers in other zoning classifications.* Pima County has previously approved towers in the SH, GR-1, RH, SR, CR-1, and CR-4 residential zones, in the CB-1 and CB-2 business zones, and in the PI industrial zone.
6. *Amount of neighborhood opposition and whether it is substantial and supported by factual evidence.* Staff has received no letters, emails, etc. of opposition as of the writing of this memorandum.
7. *Type of neighborhood opposition.* See Item #6 above.
8. *Nature of neighborhood opposition, whether aesthetic, etc.* See Item #6 above.
9. *Amount, type, and nature of evidence offered by wireless provider.* Contained within application packet; additional information may be sought by the Commission at hearing.
10. *Expert testimony.* None to date.
11. *Height of tower.* The height of the proposed monopole tower is eighty feet (80') to the highest point of its metal structure.
12. *Color of tower.* The applicant proposes to camouflage the tower as a faux palm tree, or "monopalm". The palm fronds will extend to a height of eighty-five feet (85').
13. *Possibilities of camouflage.* The applicant proposes to camouflage the tower as a monopalm, which is satisfactory in this case due to the fact that there is an existing monopalm on the same property, as well as numerous existing tall palm trees within the surrounding viewshed.
14. *Service coverage issues; such as whether a gap would be created that would impede emergency service.* See applicant "Supplemental Information" write-up Item #4, the applicant's existing/proposed coverage maps, and the Hearing Administrator's staff report, wherein the existing and proposed coverage characteristics are discussed. The aforementioned materials establish that a gap in coverage exists.
15. *Alternative sites explored.* See applicant's "Supplemental Information" write-up Item #5. The applicant explains that there are essentially no existing vertical structures of sufficient height or which were co-locatable within the nearby surroundings.
16. *Possibilities for co-location on an existing tower.* See applicant "Supplemental Information" write-up Item #6, as well as Item #15 immediately above.

17. *Possibilities for more, shorter towers.* See applicant “Supplemental Information” write-up Item #7, where it is stated that the new tower must have sufficient height to achieve the coverage objectives and line-of-sight connectivity with the other T-Mobile towers in their network.
18. *Provision for tower removal.* See applicant “Supplemental Information” write-up Item #8, wherein it is stated that the lease contains provisions for tower removal.
19. *Possibilities for this tower serving as a co-location site for other providers.* See applicant “Supplemental Information” write-up Item #9. The proposed tower is designed to allow for up to one additional wireless carrier beneath the faux palm fronds of the monopalm.
20. *Time taken to make the decision (by the local zoning authority).* This item is before the Commission for the first time at its September 27, 2017 public hearing. Federal law encourages a timely response by the local zoning authority. It is recommended that the Commission vote on their formal recommendation to the Board of Supervisors at the September 27, 2017 meeting.
21. *Government contracts with the wireless provider.* See applicant “Supplemental Information” write-up Item #10, wherein the applicant states they have no contracts with governmental entities.



ZONING ENFORCEMENT DIVISION
201 N. Stone Avenue, 1st Floor
Tucson, Arizona 85701-1207
(520) 724-6675

APPLICATION FOR CONDITIONAL USE PERMIT

OWNER: Jon R. Weeks PHONE: 520-861-4944

ADDRESS: 7711 W. Bopp Rd. CITY: Tucson, AZ ZIP: 85735

APPLICANT (if not owner) Nancy Smith PHONE: 480-205-7142

APPLICANT EMAIL ADDRESS: nsmith.wingspanwireless@gmail.com

ADDRESS: 8795 W. Dove Roost Rd. CITY: Queen Creek ZIP: 85142

PROPERTY ADDRESS: 7711 W. Bopp Rd. Tucson, AZ 85735 ZONE: GR-1

TAX CODE(S): 212-40-011B

TOWNSHIP, RANGE SEC.: T14S, R12E, S33

LOT DIMENSIONS: _____ LOT AREA: 0.98-acres

TYPE OF USE PROPOSED FOR PROPERTY (BE SPECIFIC): Eco-Site and T-Mobile are proposing to install a new wireless communications facility with a 85' Monopalm and the associated equipment in a 20' x 40' enclosed lease area below the tower.

STATE THE REASONS WHY THE USE IS PROPOSED AND WHY YOU THINK IT WOULD BE COMPATIBLE WITH THE SURROUNDING AREA:

There is a drop in coverage and data capabilities in the area and the proposed wireless communications facility would fill these gaps.
The proposed Monopalm would be compatible with the area as there is already another existing Monopalm on site as well as some existing palm trees in the area.

ESTIMATED STARTING DATE: _____ ESTIMATED COMPLETION DATE: _____

THE FOLLOWING DOCUMENTS ARE REQUIRED:

1. Preliminary Development Plan
 - a. 5 copies are needed for Type I (In accordance with Pima County Fee Schedule)
 - b. 10 copies are needed for Type II (In accordance with Pima County Fee Schedule)
 - c. 10 copies are needed for Type III (In accordance with Pima County Fee Schedule)
 5 – 24" X 36" and 5 – 11" X 17"
 (Make check payable to Pima County Treasurer)
2. Assessor's Map showing location and boundaries of the property.
3. Assessor's Property Information showing ownership of the property.
4. Letter of Authorization if applicant is not the owner
5. Floor Plan that pertains to interior access or use if required
6. Biological Impact Report ** - For Type 2 or 3 permit requests

I, the undersigned, represent that all the facts in this application are true to the best of my knowledge.

Signature of Applicant	Date
Nancy Smith	480-205-7142
Print Name	Applicant Phone Number

Applicant agrees to provide staff with written proof of notice to the United States Fish and Wildlife Service of this conditional use request at least 15 days prior to the date of the public hearing. Failure to do so may result in cancellation of the public hearing. In addition, the applicant or authorized representative must appear in person at the public hearing to present the request, otherwise the case may be dismissed.

Please initial here: _____

OFFICE USE ONLY

Case #: _____ Case Title: _____

Type: _____ Fee: _____ Receipt Number: _____ Hearing Date: _____

Notification Area: _____ Sections: _____

Zoning Approval: _____

Special Conditions: _____

A request for continuance of an advertised application or a change in original request by applicant, must be accompanied by an additional fee.

** Applicant should consult with Pima County Planning staff to determine the extent to which this requirement applies to the subject property. The Biological Impact Report pertains to expected impacts on endangered and threatened species as identified in the Sonoran Desert Conservation Plan.

**Project Narrative for
Eco-Site/T-Mobile – AZ-0038 - W. Bopp Rd.
7711 W. Bopp Rd.
Tucson, AZ. 85735
APN: 212-40-011B**

The proposed site is located on a 0.98-acre parcel (42,776 sq. ft.) and is owned by Jon R. Weeks. Eco-Sites along with T-Mobile is proposing to install a new 80' Monopalm (top of steel) as well as a 20' x 40' lease area that will encompass a 3 Bay Cabinet and space for two additional carriers and will be elevated to protect the equipment from any potential flooding. The purpose of proposed changes is in response to changes in technology to T-Mobile's wireless services, and its commitment to providing better service throughout the area, to existing and potential customers. There is a drop in coverage and data capabilities in this area. This will service the surrounding areas and fill in the current gaps in coverage. The Verizon RF expectation at this site is to increase data and cellular services for the nearby neighborhoods and along I-10 & Avondale Blvd. This site primarily serves as Capacity offload to the sectors which are currently overloaded and will be exhausted in the near future as well as to increase E911 capabilities. The monopalm is being designed in a way that it is possible to collocate additional carriers on it, using a dead palm frond skirt to cover the potential additional carriers.

This parcel of property, as well as all the surrounding parcels, are Zoned GR-1. In order to be compliant with the zoning stipulations required when a new wireless tower is being proposed in a residential area, there is a 1:1 setback restriction and the available parcel space allowed this setback to be met. The search ring does not provide any willing candidates with enough space to meet the jurisdictional setbacks (other than the proposed location) and this particular property is a nursery, which helps it blend into the scenery better. There are existing utility poles in the area, however the height required by T-Mobile's engineers' necessary for reaching the other towers cannot be accomplished because of jurisdictional and power company restrictions. There are also no other existing towers or buildings in the area to collocate on, within the search area required, that get the height necessary. According to Pima County, a Type III Conditional Use Permit will be required to process this proposed site in accordance with Pima County Zoning Code Sec. 18.07.030.H.2.e.

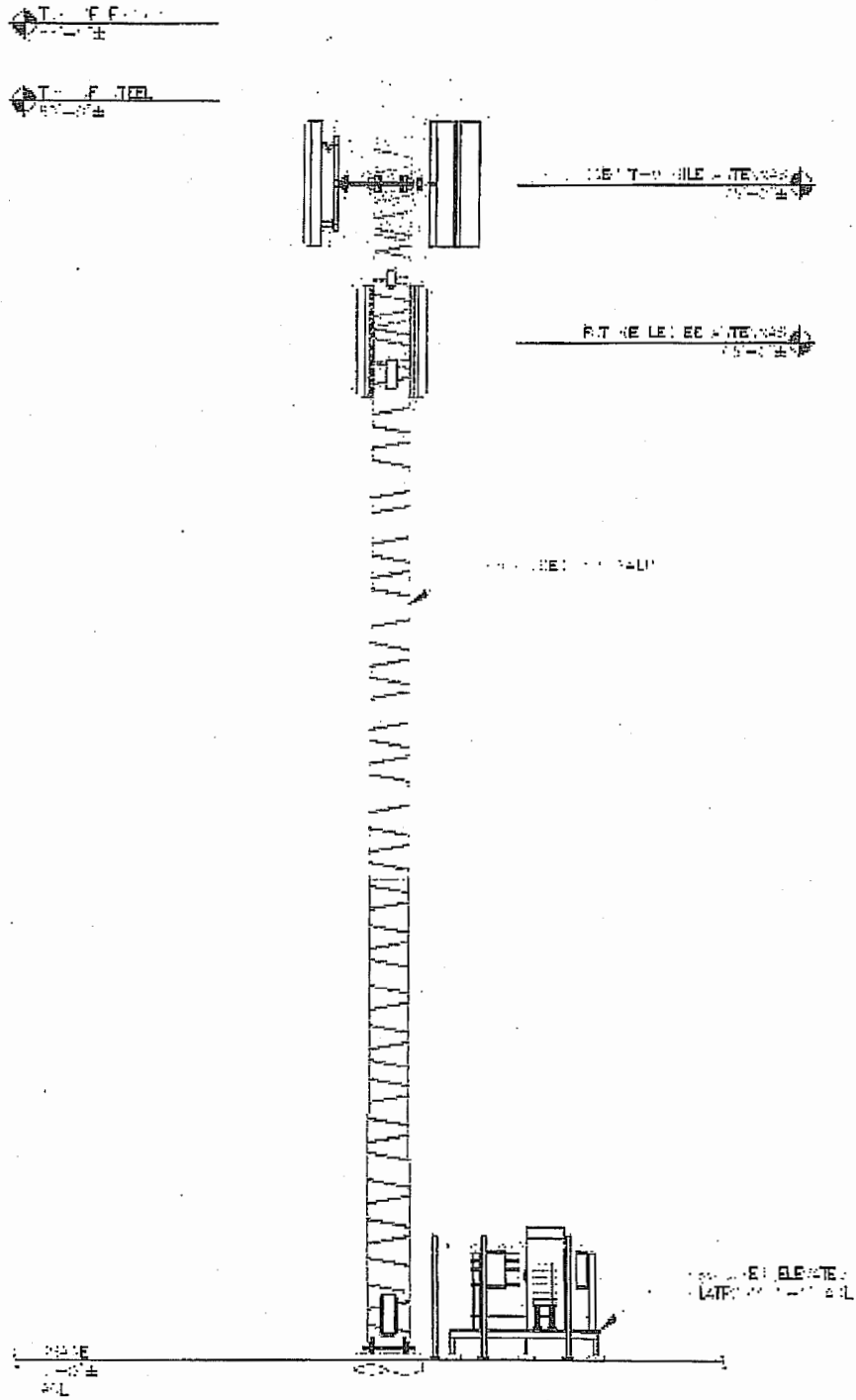
- All appropriate measures will be taken to conceal or disguise the tower and antenna from external view
 1. Reflected in the drawings RF-1, the proposed antennas and associated equipment installed on the tree will be painted to match the palm fronds or pole.
 2. There will be a minimum of 55 fronds installed
 3. The Faux palm frond skirt will be readily visible in a natural manner
 4. The steel tower will be encased with natural looking faux-bark cladding

5. The Coaxial cables will be concealed within the monopalm

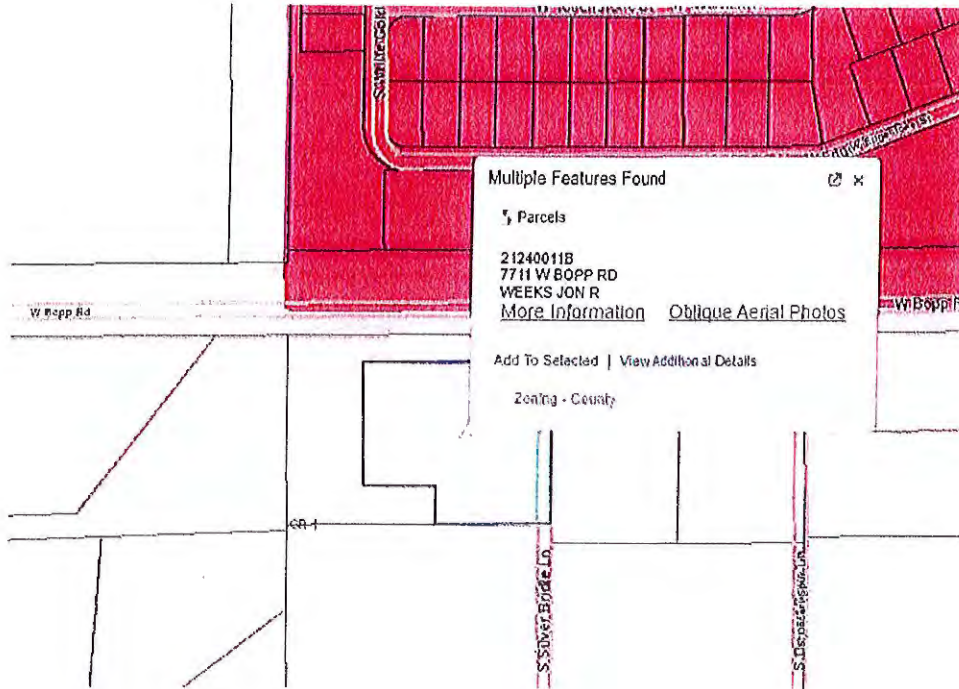
A Public meeting was held July 13th, 2017 at 5:00 p.m. at the proposed site location. One person was in attendance and was in support of the proposed project. The proposed Landlord invited neighbors nearby as well as local residents not included in the mailings to the public meeting, none of which chose to attend. There was an email received in opposition of the site from a property investor who just purchased four-acres southwest of the proposed site parcel, however the major complaints consisted of why wasn't he contacted to put the site on his property as well as the potential hit he thought the site would have on the resale value of his properties. This meeting was held with the persons and entities entitled to notice of the application as designated in accordance with Pima County Zoning Code Sec. 18.07.030.H.2.e., at least 10 days prior to the date of the meeting and sent by first class mail to property owners within 1,000' of the property. Please see the attached the neighborhood mailing certification as required.

- There will be no interference from wireless communication transmitter, receptor, or other facility with police, fire, and emergency public safety communications.
- The Application shall include a certification by a registered or electrical engineer that the proposed tower/antennas will be in compliance with all standards established by the Federal Environmental Protection Agency and Federal Communications Commission (FCC) regarding potential health and safety hazards. The submittal of information, and the review of the application by the Department of Operations, shall be in accordance with all applicable standards.
- The proposed wireless communication tower and antennas shall be in compliance with all Federal Communications Commission (FCC) regulations, including those protecting the public health and those protecting historic districts.
- The T-Mobile site is equipped with the E-911 emergency response system in time of need.

PROPOSED NEW Eco-Site/T-Mobile Monopalm



Assessor's Map – Property Location/Boundaries



Assessor's Property Information/Ownership



Pima County Geographic Information Systems

Parcel 212-40-011B

Read the [Disclaimer](#). Information on this page is unofficial.

Mail name and address	Legal description
212-40-011B WEEKS JON R 7711 W BOPP RD TUCSON AZ 85735-9311	PTN S200.76' N265.68' E232.71' W330.72' NW¼ NW¼ .96 AC SEC 33-14-12

Situs (property) address
([About situs addresses](#))

Street Address	Jurisdiction	Postal City	Zip Code
7711 W BOPP RD	PIMA COUNTY	TUCSON	85735 ZIP+4 Lookup

Information for this parcel

* For Assessor parcel details, copy and paste Parcel ID 21240011B into the [Pima County Assessor's "Quick Search"](#). We cannot link directly. Also see [Assessor Record Maps](#).

Tax and Plot Map for 212-40-011B

Real Property Tax Inquiry

TAX YEAR		TAX YEAR		TOTAL TAX		TAX DATE		TAX ID	
2018		2018		\$ 1,144.88		01/14/17		212-40-011B	

COMMENTS AND DEDUCTIONS			
	FIRST INSTALLMENT	SECOND INSTALLMENT	TOTAL \$
TAX DUE	\$ 567.04	\$ 567.04	\$ 1,134.08
INTEREST DUE		\$ 18.82	\$ 18.82
TAX PAID	(\$ 567.04)	(\$ 567.04)	(\$ 1,134.08)
INTEREST PAID		(\$ 18.82)	(\$ 18.82)
PAY DATE	06/30/2018	06/30/2017	
REMAINING AMOUNT:	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL DUE			\$ 0.00

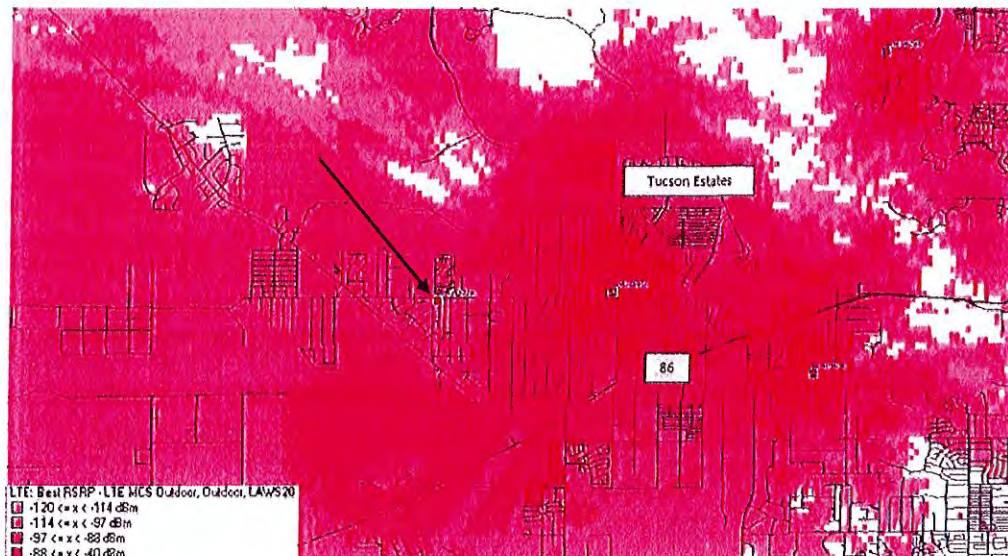
TAX HISTORY	
TAX YEAR	TAX AMOUNT
2012	\$ 1,248.26
2013	\$ 1,082.81
2014	\$ 1,046.30
2015	\$ 1,774.73

PROPERTY INFORMATION	
PROPERTY TYPE:	Real Property
TAX AREA:	0101
TAX MAP NUMBER/BOOK/LI	
7711 W BOPF RD TUCSON AZ 85755-9511	
PROPERTY ACRES	
7711 W BOPF RD	
LEGAL DESCRIPTION	
PTW 8208 76' W/4 OF S22E 11' W/36 1/2' NW/4 NW/4 AC SEC 25 14 14	
PRIORITY	
NO DATA AVAILABLE	

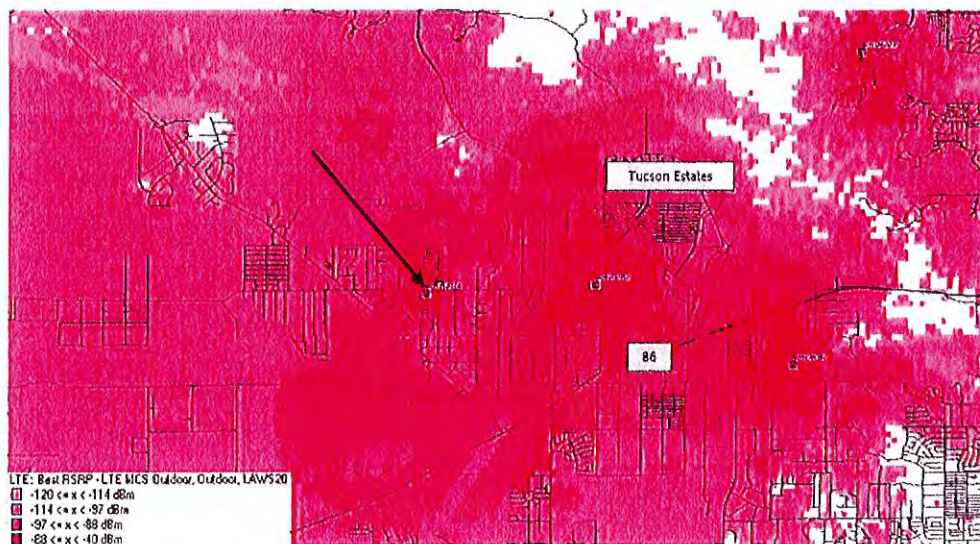
Proposed site location is not in an Overlay Zone

Zoning - County	GR-1
Zoning - Marana	(none)
Zoning - Oro Valley	(none)
Zoning - Sahuarita	(none)
Zoning - South Tucson	(none)
Zoning - Tucson	(none)
County - Airport Environs Height Overlay Zone	(none)
County - Airport Environs Land Use Overlay Zone	(none)
County - Airport Environs Noise Overlay Zone	(none)
County - Buffer Overlay Zone	Out
County - Gateway Overlay Zone	(none)
County - Golf Course Zone	Out
County - Restricted Peaks and Ridges PR-1	Out
County - Restricted Peaks and Ridges PR-2	Out
County - San Xavier Mission Historic Zone	(none)
County - Transfer of Development Rights Area	(none)

Current Coverage Map



Proposed Coverage Map



Should you need any additional information or have any questions, please feel free to call or email me (contact information is below).

Thank you,

Nancy Smith

Contractor for Tectonic Engineering

Mobile: 480-205-7142 - Fax: 480.383.6014

nsmith.wingspanwireless@gmail.com

APPLICATION FOR CONDITIONAL USE PERMIT

SUPPLEMENTAL INFORMATION REQUIRED FOR COMMUNICATION TOWER REQUESTS

The Federal Telecommunications Act of 1996 requires local governments to address certain issues relating to the placement, construction and modification of wireless communication facilities, including cell towers, when reviewing conditional use permit requests. Hence, applicants must provide information on each of the following items as a part of their conditional use permit application.

1. Height & color of tower.

80' Monopalm, color of existing palm trees in the area.

2. Certification that tower will comply with all FAA, FCC and other applicable regulations.

Crown Castle will comply with all FAA, FCC and other applicable regulations.

3. Possibilities of camouflage.

Camouflaged as a palm tree to accompany the existing palm trees nearby to further disguise the tower; all antennae and associated equipment and lines on the tower will be to match the palm tree; cabling will be installed within the trunk of the tree to keep it hidden from view. The equipment area and compound fence will be screened as much as possible from existing residences via the existing fencing already surrounding the property as well as by existing foliage on the property.

4. Service coverage. (Is there an existing gap in coverage that presently impedes regular or emergency telephone service? If so, how will that gap be improved by the proposed tower or utility pole replacement? Provide propagation maps showing coverage gap before and after tower placement.)

There is a drop in coverage and data capacities in the area. A higher centerline would improve the capacity issues as it would better see the surrounding sites they are trying to offload. Also, as there is already another existing Monopalm site on property, this height will also ensure that we do not disrupt their service. The capacity available, as it is currently, is not concurrent with acceptable levels and calls are getting dropped and data capacities are marginal/weak at best. With the site at the requested centerline, it keeps the calls from being dropped and it helps to offload sites that are currently at and/or over capacity. The antennae must have a better line of site to the surrounding towers to be effective, thus the height requirement. The installation of this site would fill this current gap in coverage.

5. Alternative sites explored. (Describe the alternate sites considered, including utility pole replacements, and explain in detail the reasons for their rejection. Be specific and thorough.)

There were no buildings in the surrounding area tall enough to accommodate or meet the RF expectations and needs for this location, no utility poles that were tall enough or if tall enough, not allowable by TEP for use, nor were there any existing cell sites within the search area that are AZ-0038 (PH35277)

collocatable.

6. Possibilities for co-location on an existing tower or utility pole replacement. (Provide information, including a map, on the existing towers in the coverage area and list the reasons why each co-location or pole replacement is not feasible. Include distance to nearest existing communication towers and utility poles that were considered. In detail describe why co-location was not possible. Provide coverage maps of alternate co-location or utility replacement options. Be specific and thorough.)

There were no buildings or Cell sites suitable for collocating on in the area and the only utility poles in the area were either too short, or had too many lines or drops for TEP to allow us to collocate on them.



7. Possibilities for more, shorter towers.

Currently there is one other cell site in the area. The antennae must have enough to have line of sight with nearby towers to be effective.

8. Provisions for tower removal.

There are provisions in the lease that the tower company, if the site should become obsolete, to remove all of the above ground improvements, to the extent reasonable, restore the premises to its original condition.

AZ-0038 (PH35277)

9. Possibilities of tower serving as a co-location site for other wireless providers.

The tower can be designed to hold one (1) additional carrier under hanging fronds if necessary.

10. Government contracts with the wireless provider.

No.