



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 2/4/2025

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

P24CU00007 SWENSON – W. MASSINGALE ROAD

***Introduction/Background:**

Shelley Swenson, represented by Vertical Bridge, requests a Type III Conditional Use Permit for a wireless communication tower in accordance with Section 18.07.030.H of the Pima County Zoning Code in the GR-1 (Rural Homestead) zone, addressed as 10510 W. Massingale Road. (District 3)

***Discussion:**

The owner requests a Type III Conditional Use Permit to construct an 80-foot tall wireless communication tower.

***Conclusion:**

Approval of the conditional use permit would allow the owner to build an 80-foot tall wireless communication tower.

***Recommendation:**

The Hearing Administrator recommends APPROVAL of the Type III Conditional Use Permit subject to standard and special conditions. The Planning and Zoning Commission recommends DENIAL of the Type III Conditional Use Permit.

***Fiscal Impact:**

None

***Board of Supervisor District:**

1 2 3 4 5 All

Department: Development Services

Telephone: (520) 724-6675

Contact: Spencer Hickman, Senior Planner

Telephone: (520) 724-6498

Department Director Signature: _____

Date: _____

1-15-25

Deputy County Administrator Signature: _____

Date: _____

1/15/2025

County Administrator Signature: _____

Date: _____

1/16/2025



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Jennifer Allen, District 3

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

DATE: January 14, 2025

SUBJECT: **P24CU00007 SWENSON – W. MASSINGALE ROAD**
(Conditional Use Type III – Wireless Communication Facility)

The above referenced Conditional Use Permit is within your district and is scheduled for the Board of Supervisors' **TUESDAY, February 4, 2025** hearing.

REQUEST: For a **Type III Conditional Use Permit for a wireless communication tower** in accordance with Section 18.07.030.H of the Pima County Zoning Code in the GR-1 (Rural Homestead) zone, addressed as 10510 W. Massingale Road. (District 3)

OWNER: Shelley Swenson
10510 W. Massingale Road
Tucson, AZ 85743

DISTRICT: 3

STAFF CONTACT: Spencer Hickman, Planner II

PUBLIC COMMENT TO DATE: As of January 14, 2025, 50 items of written public comment have been received in opposition to the proposal.

PLANNING AND ZONING COMMISSION RECOMMENDATION: DENIAL

HEARING ADMINISTRATOR RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS): The project is located outside of the Maeveen Marie Behan Conservation Lands System (CLS).

TD/SH/ds
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P24CU00007

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FOR FEBRUARY 4, 2025 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: January 9, 2025

ADVERTISED ITEM FOR PUBLIC HEARING

CONDITIONAL USE PERMIT

P24CU00007 SWENSON – W. MASSINGALE DRIVE

Shelly Swenson, represented by Vertical Bridge, LLC, requests a Type III Conditional Use Permit for a wireless communication facility in accordance with Section 18.07.030.H of the Pima County Zoning Code, in the GR-1 (Rural Residential) zone located north of W. Massingale Road approximately 7,900 feet east of the intersection of W. Massingale Road and N. Sandario Road, addressed as 10510 W. Massingale Road. Staff and the Hearing Administrator recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The Planning and Zoning Commission recommends **DENIAL**. (District 3)

Summary of Planning and Zoning Commission Hearing (October 30, 2024)

This conditional use permit case was heard by the Planning & Zoning Commission at its October 30, 2024 meeting. The applicant's representative made a thorough presentation of the proposed tower and fielded the Commission's questions. An attorney representative recently hired by the opposing neighbors made a presentation on their behalf, challenging numerous assertions made by the applicant, stating unilaterally that the tower was not needed, and generally outlining manifold arguments as to the incompleteness and inappropriateness of the proposal. Several members of the public then gave their own testimony of objection. There were also many members of the public in attendance, both in person and online. The Chairman inquired as to whether any of them was in support of the application; none indicated so. Following all of the above, the Commission closed the public hearing.

After closing the public hearing, the Commission voted 6-1 (motion by Gungel, seconded by Cook; Commissioners Tronsdale, Maese and Hanna being absent; Commissioner Becker dissenting) to recommend DENIAL of this CUP. The Commission's recommendation of denial was based on the Commission's doubts about the necessity of the tower and thought that the application was being proposed purely for profit and not for the benefit of the community.

Standard Conditions & Requirements pre the Pima County Zoning Code

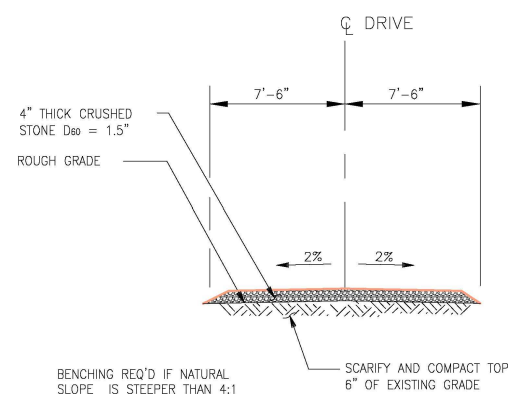
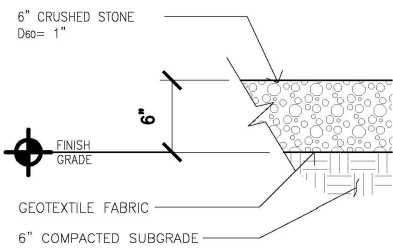
1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions – Hearing Administrator

1. The new top height of the tower structure shall not be more than the requested eighty feet (80').
2. The new tower structure and its antennae arrays shall be camouflaged as a faux eucalyptus tree. The height of the faux tree "branches" may extend to a height of eighty-five feet (85').
3. The visible elements of the tower structure shall be painting a color similar to that of the faux tree.
4. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted set of construction drawings.
5. The exterior wall of the on-the-ground equipment area shall be a minimum of eight feet (8') tall and be constructed of masonry. It and its metal gate shall be painted a color to best match the existing structures on the subject property.

TD/SH/ds
Attachments

C: Shelley Swenson



NOTES:

- CONTRACTOR TO COORDINATE & PROVIDE PRIVATE LOCATING SERVICE PRIOR TO CONSTRUCTION.
- REFERENCE MANUFACTURERS TOWER DRAWINGS ON INSTALLATION.
- ALL COAXIAL CABLING TO BE RUN INSIDE POLE.

SETBACKS TO PROPERTY LINES

NORTH	360'-10"±
SOUTH	518'-1"±
WEST	150'-0"±
EAST	180'-5"±

* SETBACKS ARE ESTIMATED FROM THE ASSESSORS MAPS GIS INFORMATION & SURVEY BY: WGS, DATED 1/4/2024

NOTES:

SUBGRADE SHALL BE CLEAN AND FREE OF ROCKS, ROOTS AND OTHER ORGANIC MATERIAL.

SPRAY AREA UNDER BUILDING & NEW CRUSHED STONE AREA WITH HERBICIDE, COVER W/ GEOTEXTILE FABRIC AND 6" CRUSHED STONE.

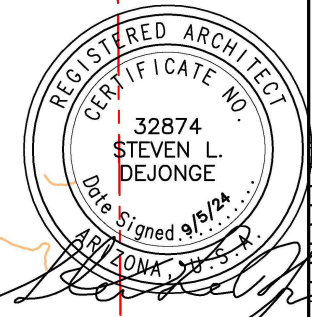
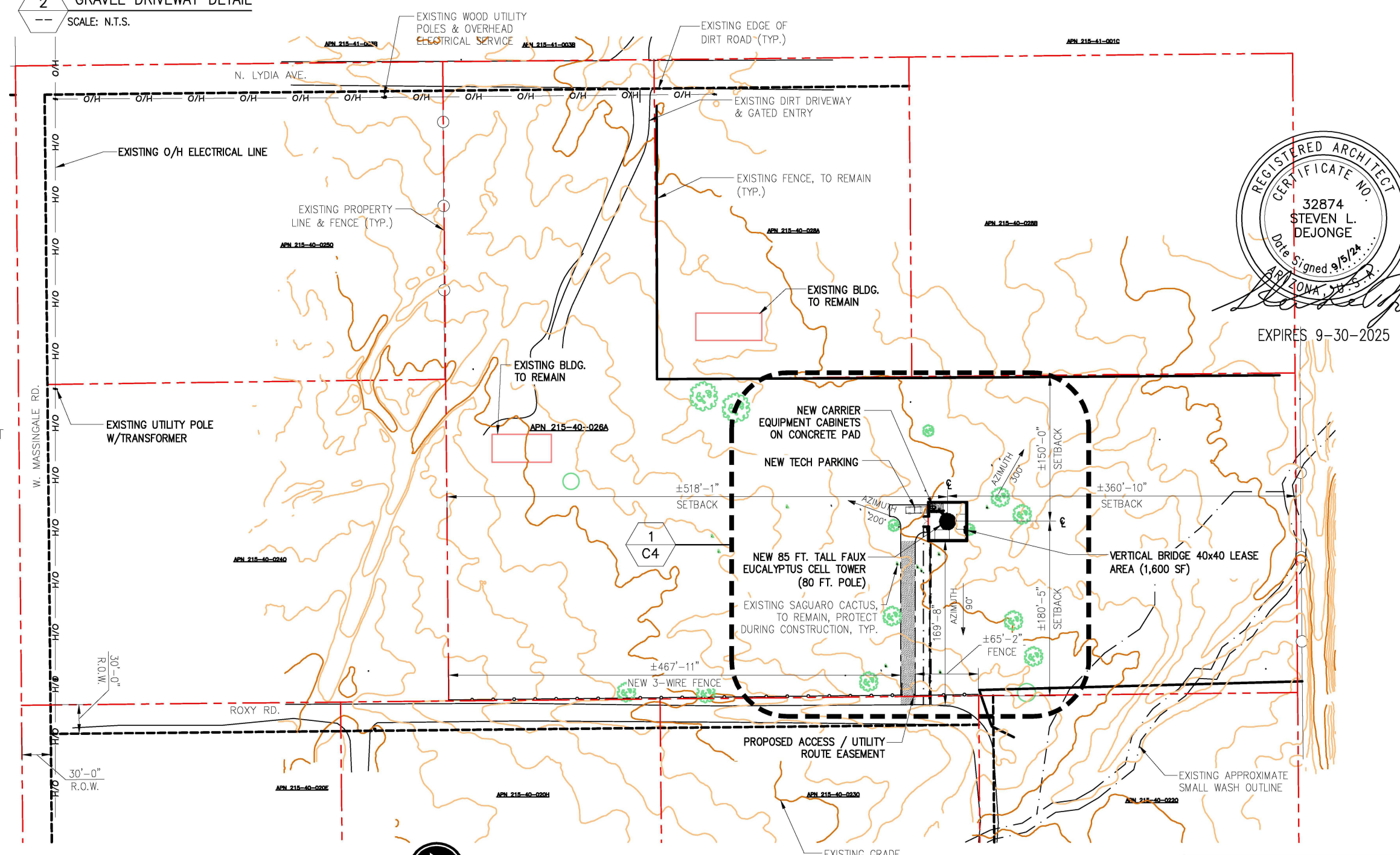
SUBCONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO CONFINE HERBICIDE TO THE FENCED PROJECT AREA.

3 GRAVEL COMPOUND DETAIL
SCALE: N.T.S.

2 GRAVEL DRIVEWAY DETAIL
SCALE: N.T.S.

LEGEND

- (P) PROPOSED
- (E) EXISTING
- (F) FUTURE
- FIRE HYDRANT
- POB POINT OF BEGINNING
- ROW RIGHT OF WAY
- WM WATER METER
- SVLT SEWER VAULT
- EVLTV ELECTRIC VAULT
- EP ELECTRIC PANEL
- A.C.E. ACCESS CONTROL EASEMENT
- PROPERTY LINE
- OHE — OVERHEAD ELECTRIC
- S — BLUESTAKED SEWER LINE
- SPOT ELEVATION
- POSITION OF GEODETIC COORDINATES
- GV GAS VALVE
- POWER POLE
- SANITARY SEWER MANHOLE
- FOUND AS NOTED
- W — BLUESTAKED WATER LINE
- E — BLUESTAKED ELECTRIC LINE



Call at least two full working days before you begin excavation.

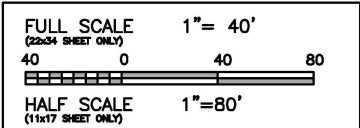
ARIZONA 811
Arizona Blue Stake, Inc.

Dial 8-1-1 or 1-800-STAKE-IT (782-5348)
In Maricopa County: (602) 263-1100

INFORMATION SHOWN BASED ON A FIELD SURVEY BY WGS DATED 1/4/24.



1 OVERALL SITE PLAN
SCALE: 1" = 80' (11x17)
SCALE: 1" = 40' (22x34)



verticalbridge

Clear Blue Services
3500 E. ATLANTA AVE.
PHOENIX, AZ 85044 602-428-9500

REGISTERED ARCHITECT
CERTIFICATE NO. 32874
STEVEN L. DEJONGE
Date Signed: 9/5/24
ARIZONA, U.S.A.
EXPIRES 9-30-2025

No.	Submit / Revision	App'd	Date
1	CHANGE TO EUCALYPTUS	SLD	9/9/24
1	CHANGE TOP OF POLE	SLD	5/16/24
1	CLIENT CHANGE	SLD	1/22/24
1	CONSTRUCTION DRAWINGS	SLD	1/17/24

Drawn: SLD Date: 1/9/24
Designed: SLD Date: 1/9/24
Checked: GT Date: 1/9/24

Project Number: US-AZ-7065

Project Title: **CHEROKEE PONY**
10510 W. MASSINGALE RD.
TUCSON, AZ 85743
PIMA COUNTY

Engineer Stamp

THIS DOCUMENT CONTAINS AN ELECTRONIC SIGNATURE PURSUANT TO A.R.S. TITLE 41 AND TITLE 44. IT IS A VIOLATION FOR ANY PERSON, UNLESS UNDER THE DIRECT SUPERVISION OF THE REGISTRANT, TO MODIFY THIS DOCUMENT IN ANY WAY.

PRELIMINARY UNLESS SIGNED

Drawing Title: **OVERALL SITE PLAN**

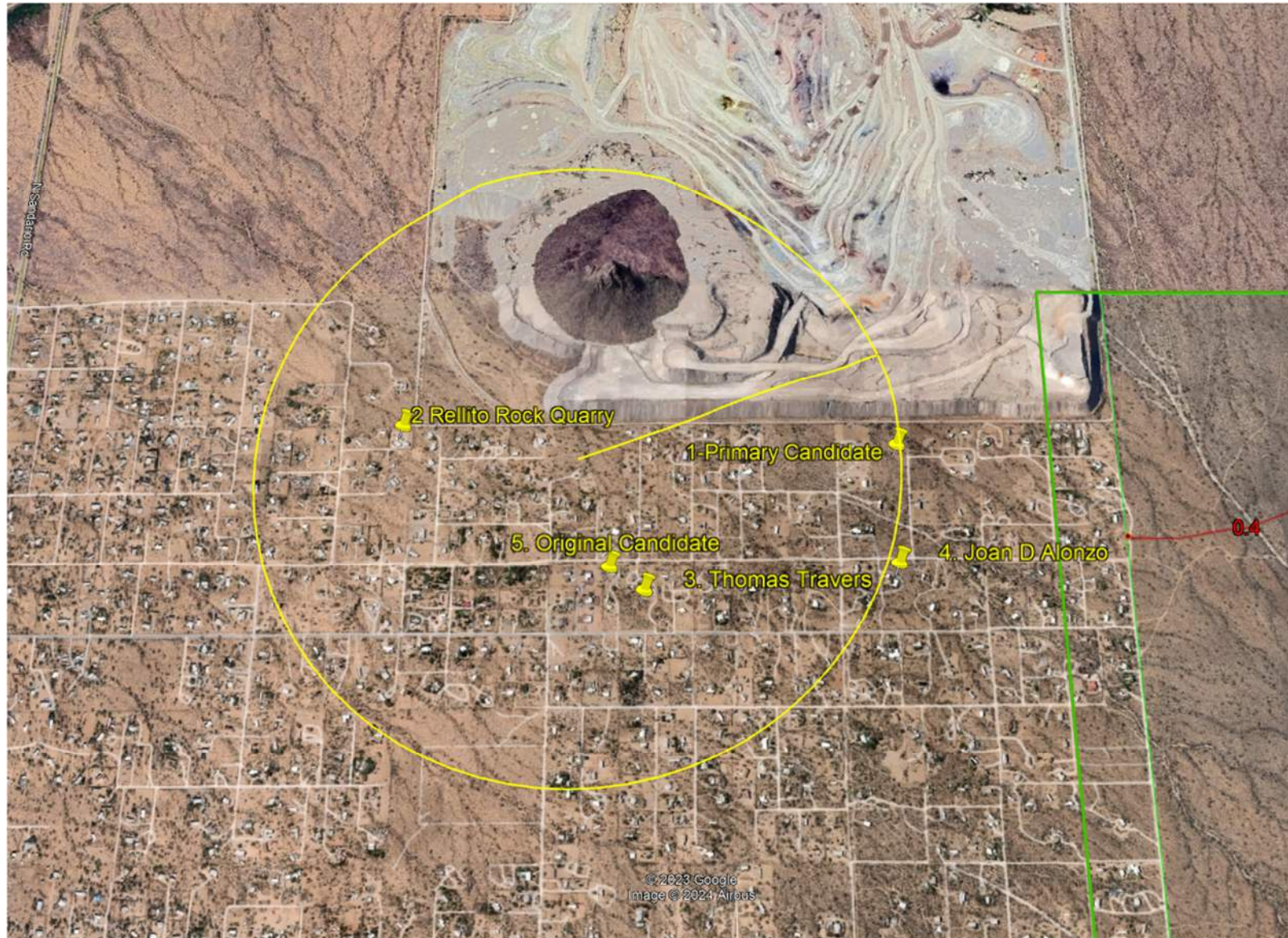
Drawing Scale: AS NOTED

Date: 09/05/2024

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND/OR LOCAL LAWS.

Drawing Number: **C3**

Cherokee Pony Alternate Site Analysis 5 Potential Candidates





MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

P24CU00007

Page 1 of 6

FOR BOARD OF SUPERVISORS DECEMBER 17, 2024 PUBLIC HEARING

TO: THE HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: November 1, 2024

DOCUMENT: P24CU00007

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING

Shelly Swenson, represented by Vertical Bridge, LLC, request a **Type III Conditional Use Permit for a wireless communication facility** in accordance with Section 18.07.030.H of the Pima County Zoning Code in the GR-1 (Rural Residential) zone, located north of W. Massingale Road, approximately 7,900 feet east of the intersection of W. Massingale Road and N. Sandario Road, addressed as 10510 W. Massingale Road. (District 3)

CASE PARTICULARS

This is a Type III Conditional Use Permit request for a new eighty foot (80') tall **monopole communications tower** and attendant on-the-ground equipment area. The tower will provide co-location capability for future wireless providers in addition to the initial antennae array being constructed for T-Mobile. The applicant proposes to camouflage the tower as a faux eucalyptus tree, as well as paint the tower elements a color similar to the "tree". Given the height of the tower and the limited options available, the Hearing Administrator concurred with this form of camouflage. The attendant ground equipment will be housed within a secure compound surrounded by an eight-foot (8') tall masonry wall that will be painted a color to essentially match the other structures on the subject property.

The proposed communications tower is located in northwestern Pima County on W. Massingale Road, generally in the Picture Rocks area. The property is approximately two (2) miles (as the crow flies) northeast of the Picture Rocks/Sandario Road intersection. It is abutted by unsubdivided residential lots to the west, south and east (most of which are occupied and some of which are vacant), and adjoins the Portland Cement quarry property to the north. The proposed tower would be located in the northern portion of the property (near the Portland Cement holdings), and essentially be centered within its east-west dimension therein; the parcel is 8.35 acres in size.

SUMMARY OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING

This conditional use permit case was heard by the Planning & Zoning Commission at its October 30, 2024 meeting. The applicant's representative made a thorough presentation of the proposed tower and fielded the Commission's questions. An attorney representative recently hired by the opposing neighbors made a presentation on their behalf, challenging numerous assertions made by the applicant, stating unilaterally that the tower was not needed, and generally outlining manifold arguments as to the incompleteness and inappropriateness of the proposal. Several members of the public then gave their own testimony of objection. There were also many members of the public in attendance, both in person and online. The Chairman inquired as to whether any of them was in support of the application; none indicated so. Following all of the above, the Commission closed the public hearing.

After closing the public hearing, the Commission voted 6-1 (motion by Gungel, seconded by Cook; Commissioners Tronsdale, Maese and Hanna being absent; Commissioner Becker dissenting) to recommend DENIAL of this CUP.

HEARING ADMINISTRATOR'S CONSIDERATIONS AND REPORT

This request proposes a new eighty-foot (80') tall communications tower and walled on-the-ground equipment compound. The proposed tower site is part of rural residential area (unsubdivided properties, both occupied and vacant) that is bordered by the Portland Cement holdings to the immediate north.

The tower will provide co-location for future wireless carriers in addition to the initial antennae array for T-Mobile. The applicant proposes to camouflage the tower as a faux eucalyptus tree. Given the height of the tower under consideration, the Hearing Administrator concurs with this form of camouflage. The attendant ground equipment will be housed within a secure compound surrounded by an eight-foot (8') tall masonry wall that will be painted a color similar to the other structures on the existing property.

Public Input Considerations

This tower proposal is tall for a rural area with established residential properties. In reviewing all tower applications, staff attempts to balance the federal mandate to fill gaps in coverage, while also giving consideration to surrounding property owners. With that in mind, the need to provide significant camouflage in this particular case is found wholly warranted.

This applicant has worked in clear good faith with staff to find a property that balances the needs of wireless coverage while recognizing and respecting the established rural residential context. In addition, the applicant held their own independent neighborhood meeting, to which all owners within the 1000' statutory notice area were invited (forty-five [45] individuals). Eleven (11) owners attended, nine (9) of whom expressed opposition, one (1) of whom was in support, and one (1) who was undecided. Those expressing opposition cited perceived negative effects on health and property values. Members of the Planning & Zoning Commission are well aware that these items cannot be given consideration, per the 1996 Federal Telecommunications Act. The neighbors also expressed a general feeling that a new tower was simply not necessary.

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 materials include a pre-construction and post-construction propagation plot of the proposed tower location.

The existing-condition plot indicates that the current signal strengths in the tower vicinity have many areas in the -109 to -1072 dBm range (higher values represent higher noise levels, and therefore poorer wireless signal strengths). This range is considered poor coverage. With the proposed tower in place, most of the surrounding area converts to signals in the in 89 dBm or better range, which is considered very good quality service. The above establishes that the new tower effectively “fills in” an existing gap in coverage.

Comprehensive Plan Considerations

The Comprehensive Plan designates the subject property as *Medium Intensity Rural (MIR)*, the purpose of which is to, “designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials, or suburban areas.” Other communications towers have been previously approved in the *MIR* district.

The Hearing Administrator finds the proposed use to not be in conflict with the stated goals of the Comprehensive Plan, nor with its *MIR* designation, due to the fact that: 1) the subject property is large enough in size to have the tower be well set back from adjacent owners; 2) the property adjoins the Portland Cement holdings to the north; and 3) the new tower will be camouflaged to the extent reasonably possible, demonstrating a clear good-faith effort to respect nearby property owners. All of the above is further buttressed by the fact that communication towers have become an essential element in all populated areas, including rural ones, to ensure their wireless connectivity.

Zoning and Land Use Considerations

The subject parcel is zoned GR-1, as are all of the surrounding lands, including the southern portion of the Portland Cement holdings.

Hearing Administrator’s Required Standards and Findings

Following are the Hearing Administrator’s findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

- 1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.**

See Comprehensive Plan Considerations heading above. The Hearing Administrator finds the proposed use to not be in conflict with the stated goals of the Comprehensive Plan, nor with its *MIR* designation, as long as the tower is subject to the *Special Conditions* recommended below.

- 2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.**

The Hearing Administrator finds that the proposed new tower will not have a significant impact upon any of the surrounding properties in a way that prohibits any of their legal or permitted uses.

3. It has adequate accessibility to the County road network.

The site has direct access to Massingale Road, with connectivity to N. Sandario Road, the latter of which is a designated major street on the Pima County Major Streets & Routes Plan (MSRP). Access needs for wireless facilities are minimal at best. With this in mind, and even though this segment of Massingale Road is not a major thoroughfare, access is found to be adequate.

4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.

Parking sufficiency and compliance with the Zoning Code in this regard is a matter verified at the time of permitting.

5. It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.

The Hearing Administrator finds that proposed use is found to not threaten the surrounding properties in any of the above ways.

6. Hours of operation will not be detrimental to adjoining residents.

This is an unmanned facility; hours of operation are not a consideration.

7. Landscaping will be fully in conformance with zoning code regulations.

Landscaping requirements, if any, are a matter enforced at the time of permitting.

HEARING ADMINISTRATOR'S RECOMMENDATION

With all of the above in mind, it was the Hearing Administrator's recommendation that the Planning & Commission Zoning recommend **APPROVAL** of this Type III conditional use permit to the Board of Supervisors, subject to the following Standard and Special Conditions:

Standard Requirements 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').
2. The new tower structure and its antennae arrays shall be camouflaged as a faux eucalyptus tree. The height of the faux tree "branches" may extend to a height of eighty-five feet (85').
3. The visible elements of the tower structure shall be painting a color similar to that of the faux tree.

STAFF REPORT TO THE BOARD OF SUPERVISORS

P24CU00007 – SWENSON – W. MASSINGALE ROAD

November 1, 2024

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4. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted set of construction drawings.
5. The exterior wall of the on-the-ground equipment area shall be a minimum of eight feet (8') tall and be constructed of masonry. It and its metal gate shall be painted a color to best match the existing structures on the subject property.

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 and entire surrounding area is located **OUTSIDE OF** 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. The applicant's submittal package includes their notice to USFWS.

Staff Commentary on Biological Impacts

This proposed tower site is located in an area of the subject property with sparse native vegetation. The occupied residential properties to the adjacent west and east have already experienced significant grading and clearing. With this in mind, together with the subject property being **outside of** the Conservation Lands System, it is staff's conclusion that approval of this request will have no material impact on existing biological resources on the site nor be in conflict with any Pima Prospects adopted environmental policies.

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. This site and entire surrounding region is within Priority Conservation Area 1 (PCA-1) for this species

Western Burrowing Owl. The subject property and entire surrounding area is within the Priority Conservation Area (PCA) for this species.

Pima Pineapple Cactus. The subject property is not located within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is not within the Priority Conservation Area (PCA) for this species.

RECOMMENDATIONS BY THE DEPT. OF TRANSPORTATION AND THE REGIONAL FLOOD CONTROL DISTRICT

The Department of Transportation (DOT) and the Regional Flood Control District (RFCD) reviewed this application separately during the conditional use permit process and had no objections.

attachments

cc: Carla Blackwell, Director, Development Services
Dan Ice, Chief Building Official
Chris Poirier, Planning Official
Tom Drzazgowski, Chief Zoning Inspector
Shelley Swenson, Property Owner
Vertical Bridge, Applicant
Christine Tucker, Clear Blue Services, Representative of Vertical Bridge and T-Mobile, USA

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

CASE: **P24CU00007**
VERTICAL BRIDGE – W. MASSINGALE RD.

OWNERSHIP: Shelly Swenson
10510 W. Massingale Road
Tucson, AZ 85743

APPLICANT: Vertical Bridge, LLC
750 Park of Commerce Drive – Suite 200
Boca Raton, FL 33487

ON BEHALF OF: T-Mobile West, LLC

AGENT: Christine Tucker, on behalf of Vertical Bridge
Clear Blue Services
3530 E. Atlanta Avenue
Phoenix, AZ 85040

LOCATION: The proposed communications tower is located in northwestern Pima County on W. Massingale Road, generally in the Picture Rocks area. The property is approximately two (2) miles (as the crow flies) northeast of the Picture Rocks/Sandario Road intersection. It is abutted by unsubdivided residential lots to the west, south and east (most of which are occupied and some of which are vacant), and adjoins the Portland Cement property to the north. The proposed tower would be located in the northern portion of the property (near the Portland Cement holdings), and essentially be centered within its east-west dimension therein; the parcel is 8.35 acres in size.

REQUEST: This is a Type III Conditional Use Permit request for a new eighty foot (80') tall **monopole communications tower** and attendant on-the-ground equipment area. The tower will provide co-location capability for future wireless providers in addition to the initial antennae array being constructed for T-Mobile. The applicant proposes to camouflage the tower as a faux eucalyptus tree, as well as paint the tower elements a color similar to the "tree". Given the height of the tower, the Hearing Administrator concurs with this form of camouflage. The attendant ground equipment will be housed within a secure compound surrounded by an eight-foot (8') tall masonry wall that will be painted a color to essentially match the other structures on the subject property.

PETITIONER'S STATEMENT REGARDING THE TYPE OF USE PROPOSED

"WCF. New Build 80' (top of pole) 85' (top of branches) Faux Elm, within an 8' walled-in, 40' x 40' compound enclosure with 10' wide access gate. Access and utilities (fiber and power) route from Roxy Road." **Hearing Administrator's Note:** The above statement, from the actual application form, states a faux elm tree. All other references in the applicant's materials state a faux eucalyptus, which the Hearing Administrator finds far more appropriate for this region.

PETITIONER’S STATEMENT REGARDING COMPATIBILITY

“The proposed site is an 8.55-acre parcel, backing to an existing rock quarry. The site will be stealthed to resemble an elm tree, which blends in more with the surrounding area than a regular pole or palm.”

Hearing Administrator’s Note: the parcel is 8.35 acres per the Assessor’s records; same note as above regarding the elm tree.

The petitioner has provided a submittal package that include propagation plots, a photo simulation of the new tower, a lengthy narrative, a report on alternative sites investigated, and a set of construction drawings.

HEARING ADMINISTRATOR’S CONSIDERATIONS

This request proposes a new eighty-foot (80’) tall communications tower and walled on-the-ground equipment compound. The proposed tower site is part of rural residential area (unsubdivided properties, both occupied and vacant) that is bordered by the Portland Cement holdings to the immediate north.

The tower will provide co-location for future wireless carriers in addition to the initial antennae array for T-Mobile. The applicant proposes to camouflage the tower as a faux eucalyptus tree. Given the height of the tower under consideration, the Hearing Administrator concurs with this form of camouflage. The attendant ground equipment will be housed within a secure compound surrounded by an eight-foot (8’) tall masonry wall that will be painted a color similar to the other structures on the existing property.

Public Input Considerations

This tower proposal is tall for a rural area with established residential properties. In reviewing all tower applications, staff attempts to balance the federal mandate to fill gaps in coverage, while also giving consideration to surrounding property owners. With that in mind, the need to provide significant camouflage in this particular case is found wholly warranted.

This applicant has worked in clear good faith with staff to find a property that balances the needs of wireless coverage while recognizing and respecting the established rural residential context. In addition, the applicant held their own independent neighborhood meeting, to which all owners within the 1000’ statutory notice area were invited (forty-five [45] individuals). Eleven (11) owners attended, nine (9) of whom expressed opposition, one (1) of whom was in support, and one (1) who was undecided. Those expressing opposition cited perceived negative effects on health and property values. Members of the Planning & Zoning Commission are well aware that these items cannot be given consideration, per the 1996 Federal Telecommunications Act. The neighbors also expressed a general feeling that a new tower was simply not necessary.

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 materials include a pre-construction and post-construction propagation plot of the proposed tower location.

The existing-condition plot indicates that the current signal strengths in the tower vicinity have many areas in the -109 to -1072 dBm range (higher values represent higher noise levels, and therefore poorer wireless signal strengths). This range is considered poor coverage. With the proposed tower in place, most of the surrounding area converts to signals in the in 89 dBm or better range, which is considered very good quality service. The above establishes that the new tower effectively “fills in” an existing gap in coverage.

Comprehensive Plan Considerations

The Comprehensive Plan designates the subject property as *Medium Intensity Rural (MIR)*, the purpose of which is to, “designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials, or suburban areas.” Other communications towers have been previously approved in the *MIR* district.

The Hearing Administrator finds the proposed use to not be in conflict with the stated goals of the Comprehensive Plan, nor with its *MIR* designation, due to the fact that: 1) the subject property is large enough in size to have the tower be well set back from adjacent owners; 2) the property adjoins the Portland Cement holdings to the north; and 3) the new tower will be camouflaged to the extent reasonably possible, demonstrating a clear good-faith effort to respect nearby property owners. All of the above is further buttressed by the fact that communication towers have become an essential element in all populated areas, including rural ones, to ensure their wireless connectivity.

Zoning and Land Use Considerations

The subject parcel is zoned GR-1, as are all of the surrounding lands, including the southern portion of the Portland Cement holdings.

Hearing Administrator’s Required Standards and Findings

Following are the Hearing Administrator’s findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.

See Comprehensive Plan Considerations heading above. The Hearing Administrator finds the proposed use to not be in conflict with the stated goals of the Comprehensive Plan, nor with its *MIR* designation, as long as the tower is subject to the *Special Conditions* recommended below.

2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.

The Hearing Administrator finds that the proposed new tower will not have a significant impact upon any of the surrounding properties in a way that prohibits any of their legal or permitted uses.

3. It has adequate accessibility to the County road network.

The site has direct access to Massingale Road, with connectivity to N. Sandario Road, the latter of which is a designated major street on the Pima County Major Streets & Routes Plan (MSRP). Access needs for wireless facilities are minimal at best. With this in mind, and even though this segment of Massingale Road is not a major thoroughfare, access is found to be adequate.

4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.

Parking sufficiency and compliance with the Zoning Code in this regard is a matter verified at the time of permitting.

5. **It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.**

The Hearing Administrator finds that proposed use is found to not threaten the surrounding properties in any of the above ways.

6. **Hours of operation will not be detrimental to adjoining residents.**

This is an unmanned facility; hours of operation are not a consideration.

7. **Landscaping will be fully in conformance with zoning code regulations.**

Landscaping requirements, if any, are a matter enforced at the time of permitting.

HEARING ADMINISTRATOR’S RECOMMENDATION

With all of the above in mind, the Hearing Administrator recommends that the Commission recommend **APPROVAL** of this Type III conditional use permit to the Board of Supervisors, subject to the following Standard and Special Conditions:

Standard Requirements 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’).
2. The new tower structure and its antennae arrays shall be camouflaged as a faux eucalyptus tree. The height of the faux tree “branches” may extend to a height of eighty-five feet (85’).
3. The visible elements of the tower structure shall be painting a color similar to that of the faux tree.
4. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted set of construction drawings.
5. The exterior wall of the on-the-ground equipment area shall be a minimum of eight feet (8’) tall and be constructed of masonry. It and its metal gate shall be painted a color to best match the existing structures on the subject property.

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 and entire surrounding area is located **OUTSIDE OF** 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. The applicant's submittal package includes their notice to USFWS.

Staff Commentary on Biological Impacts

This proposed tower site is located in an area of the subject property with sparse native vegetation. The occupied residential properties to the adjacent west and east have already experienced significant grading and clearing. With this in mind, together with the subject property being **outside of** the Conservation Lands System, it is staff's conclusion that approval of this request will have no material impact on existing biological resources on the site nor be in conflict with any Pima Prosper's adopted environmental policies.

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. This site and entire surrounding region is within Priority Conservation Area 1 (PCA-1) for this species

Western Burrowing Owl. The subject property and entire surrounding area is within the Priority Conservation Area (PCA) for this species.

Pima Pineapple Cactus. The subject property is not located within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is not within the Priority Conservation Area (PCA) for this species.

**RECOMMENDATIONS BY THE DEPT. OF TRANSPORTATION AND THE REGIONAL
FLOOD CONTROL DISTRICT**

The Department of Transportation (DOT) and the Regional Flood Control District (RFCD) will review this application separately during the conditional use permit process and, as a matter of course, during the site development permitting process.

attachments

cc: Carla Blackwell, Director, Development Services
Dan Ice, Chief Building Official
Chris Poirier, Planning Official
Tom Drzazgowski, Chief Zoning Inspector
Shelley Swenson, Property Owner
Vertical Bridge, Applicant
Christine Tucker, Clear Blue Services, Representative of Vertical Bridge and T-Mobile, USA



**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: **P24CU00007 – VERTICAL BRIDGE – W. MASSINGALE ROAD; Type III Conditional Use Permit Request for an Eighty-Foot (80’) Tall Communications Tower**

DATE: October 14, 2024

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 render a final decision of approval or denial. 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 No. 2 above. This site is zoned GR-1 (General Residential).

4. *Other towers in the same zoning classification.* Prior towers have been approved in the GR-1 zoning district.
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 SP (Specific Plan) zone, in the CB-1 and CB-2 business zones, and in the CPI industrial zone.
6. *Amount of neighborhood opposition and whether it is substantial and supported by factual evidence.* Staff has received no separate letters, emails, etc. of opposition as of the writing of this memorandum. The applicant held their own separate neighborhood meeting, which was attended by eleven (11) individuals. Invitations were mailed to all property owners within the 1000' statutory notice area, totaling forty-five (45) invites. Per the applicant's report, nine (9) of the eleven (11) attendees expressed opposition, one (1) was in support, and one (1) was undecided. The opposition expressed was not supported by factual evidence. See Item No. 7 below.
7. *Type of neighborhood opposition.* See Item #6 above. Those who expressed opposition at the above neighborhood meeting cited perceived negative effects on health and property values, as well as a general belief that a new tower was not necessary.
8. *Nature of neighborhood opposition, whether aesthetic, etc.* See Item Nos. 6 & 7 above. Those who expressed opposition cited perceived negative effects on health and property values, as well as a general belief that a new tower was not necessary.
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. For the record, this applicant's submittal package is one of the most comprehensive and professional as any seen by the Hearing Administrator to date.
10. *Expert testimony.* None to date given by any separate parties.
11. *Height of tower.* The height of the proposed monopole tower is eighty feet (80') to its highest point.
12. *Color of tower.* The applicant proposes to camouflage the tower as a faux eucalyptus tree, and also paint all structural tower elements a color that will substantially match the "tree".
13. *Possibilities of camouflage.* See Item No. 12 above. The Hearing Administrator concurs with the applicant's proposed camouflage, given the generally limited options available for a tower of this height.
14. *Service coverage issues; such as whether a gap would be created that would impede emergency service.* The applicant has provided pre- and post-coverage maps demonstrating an existing gap in coverage that this tower would fill.

15. *Alternative sites explored.* The applicant's narrative describes their three-year effort to establish a tower in this particular search area. They also provided a separate 8-page narrative detailing the multiple alternative sites they investigated.
16. *Possibilities for co-location on an existing tower.* The applicant's narrative indicates that no other private communications towers exist within their search area, and that there is no other verticality that would satisfy RF signal requirements. The Hearing Administrator's site visit confirms this statement.
17. *Possibilities for more, shorter towers.* The applicant's narrative did not speak specifically to this topic, but the reader should note that they have reduced the tower height from their originally planned 110' to 80' in order to address issues of compatibility (with the existing residential context) as raised by staff.
18. *Provision for tower removal.* The applicant's narrative did not speak to this topic.
19. *Possibilities for this tower serving as a co-location site for other providers.* The proposed tower's initial wireless carrier is T-Mobile. The tower is structurally designed to accommodate additional co-location for future wireless carriers beyond the initial T-Mobile antennae array.
20. *Time taken to make the decision (by the local zoning authority).* This item is before the Commission for the first time at its October 30, 2024 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 its October 30, 2024 meeting.
21. *Government contracts with the wireless provider.* All such towers are required by federal law to facilitate emergency communication antennae to local providers.



Conditional Use Permit Application

Property Owner: SHELLY SWENSON Phone: 520-486-864

Owner's Mailing Address, City, State & Zip: 10510 W. Massingale Rd, Tucson AZ 85743

Applicant (if different from owner): Vertical Bridge (AZ-7065) phone: 480-586-5180

Applicant's Mailing Address, City, State & Zip: 2035 E Gondola Ln, Gilbert, AZ 85234

Applicant's or Owner's Email Address: christinetucker@clearblueservices.com

Property Address or Tax Code: 215-40-026A

Type of Use Proposed for the Property: WCF. New Build 80' (top of pole) 85'(top of branches)

Faux Elm, within an 8' walled-in, 40' x 40' compound enclosure with 10' wide access gate.

Access and utilities (fiber and power) route from Roxy Rd.

Discuss the proposed use and it's compatibility with the surrounding area: The proposed site is an 8.55 acre parcel, backing to existing rock quarry. The site will be stealthed to resemble an elm tree, which blends in more with the surrounding area than a regular pole or palm.

The applicant agrees to contact the [Regional Flood Control District](#) to discuss the proposal prior to application submittal.

The applicant agrees to contact United States Fish and Wildlife Service at scott_richardson@fws.gov and provide a written notice that an application for a conditional use permit has been submitted a minimum of 15 days prior to the public hearing date.

This application is for a (Select one):

Type I Conditional Use Type II Conditional Use Type III Conditional Use

Terms and Conditions

I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)

Date: 8/12/24

Attachment 1
Project Narrative

**PROJECT NARRATIVE
TYPE III CONDITIONAL USE APPLICATION
VERTICAL BRIDGE & T-MOBILE
CHEROKEE PONY SITE
US-AZ-7065**

Submitted to Pima County Development Services
Pima County Arizona

Applicant:	Vertical Bridge 750 Park of Commerce Drive, Ste 200 Boca Raton, FL 33487
Co-Applicant:	T-Mobile West LLC ("T-Mobile")
Representative:	Clear Blue Services 3530 E Atlanta Avenue Phoenix, AZ 85040 Christine Tucker 480-586-5180 christine.tucker@clearblueservices.com
Property-Owner:	Shelly Swenson
Project Address:	10510 W. Massingale Road Tucson, AZ 85743
Description & Tax Lot:	GPS Coordinates: 32° 20' 49.82", 111° 11' 21.64" Parcel No. 215-40-026A
Zoning Classification:	GR-1 Rural Residential

Clear Blue Services submits this application on behalf of Vertical Bridge and T-Mobile USA, Inc. ("T-Mobile"), collectively referred to as the "Applicants," and the underlying property owner.

Vertical Bridge is a developer of communication infrastructure for wireless carriers such as T-Mobile. Infrastructure providers, such as Vertical Bridge, specialize in developing, constructing, leasing, and maintaining the physical components for wireless networks, including cellular towers. Infrastructure providers lay the physical groundwork that supports wireless communication networks. Wireless carriers, such as T-Mobile, lease space on this infrastructure to house their equipment and offer wireless services to end-users. Through strategic partnerships with wireless carriers, Vertical Bridge allows the opportunity for multiple carriers

to collocate onto a single infrastructure and reduces the physical footprint of wireless facilities in the community.

1. PROJECT OVERVIEW

Vertical Bridge is proposing to build a new wireless communications facility (“WCF” or “Facility”) at the above noted project address for the collocation of T-Mobile’s equipment. This Facility is intended to fill a significant gap in T-Mobile wireless service in this area of Pima County.

1.1. Overview and History of Site Selection

Vertical Bridge and T-Mobile have been pursuing a site in this area for the last three years. It is a challenging area to cover as there are no commercial or industrial zoned parcels within the entire search ring. In 2022, Vertical Bridge originally pursued a different candidate located .75 miles southwest of the current candidate, but Staff did not support the location because the parcel size was less than 3 acres and the parcel was located near the center of the neighborhood.

1.2. Staff Coordination

We worked with Staff closely on all aspects of this current site design and application. At the direction of Staff, we focused our efforts on finding a technically viable parcel over 3 acres in size. As a concession requested by Staff, we reduced the height from 110’ to 80’, the absolute minimum height necessary to close the coverage gap, but that reduction will result in a smaller coverage footprint. The results of our investigation into viable site locations is detailed in *Attachment 4, Alternative Site Analysis.*

This application proposes a multi-carrier, 80’ faux Eucalyptus Tree (85’ to top of branches) on a parcel zoned GR-1. This parcel was selected because it falls within the RF engineer’s search ring, is 8.55 acres in size, which complies with the Zoning Department’s preference of a minimum of 3 acres for rural residential. This site backs up to a large rock quarry, so not within a scenic view path toward the North.

The Applicants intend for this application for the proposed WCF to include the following documents (collectively, “Applicants’ Application”):

- Attachment 1—Project Narrative (this document)
- Attachment 2—Supplemental Narrative Requested by Staff
- Attachment 3—Letter of Authorization
- Attachment 4—Alternative Site Analysis
- Attachment 5—Statement of Code Compliance
- Attachment 6—Zoning Drawings

- Attachment 7—Photo Simulations
- Attachment 8—RF Coverage Propagation Maps
- Attachment 9—FAA Compliance
- Attachment 10—FCC Compliance
- Attachment 11—T-Mobile Letter of Intent
- Attachment 12—Regional Flood Control District Notice
- Attachment 13—Biological Impact Report
- Attachment 14—Fish & Wildlife Notice Letter
- Attachment 15—Ownership Verification

As shown in the Applicants' Application, this proposed project meets all applicable Pima County code criteria for siting new wireless communications facilities and complies with all other applicable state and federal laws and regulations. The proposal is also the least intrusive means of meeting T-Mobile's coverage objectives for this site. Accordingly, the Applicants respectfully requests that Pima County approve this project as proposed, subject only to its standard conditions of approval.

2. PROPOSED PROJECT DETAILS

2.1. Site Details. Location

Detailed information regarding the subject property and proposed lease area is included in *Attachment 6, Zoning Drawings.*

2.1.1. Subject property. The subject property of this proposal is located at 10510 W. Massingale Road in Pima County (the "Property"). The Property is owned by Shelly Swenson and is zoned as GR-1 Rural Residential.

2.1.2. Lease area.

- The proposed 40 x 40 ft lease area for the WCF is located in the center of the north end of the property (the "Lease Area").
- The lease area will be enclosed within an 8' tall CMU block wall and secured by a locked gate.

2.1.3. Access and parking. Access to the site will be from N. Roxy Rd via a 15' wide drive, 170' in length, with compact gravel surface. A 10' wide access gate is proposed. There will be one designated tech parking spot just outside the compound wall. An 8' wide utility (power and fiber) easement will run with the access easement. There is a proposed new 4' high, 3-wire fence to run along the East property line to prevent access except through the access gate. The site meets the required 1:1 setback from all property lines.

2.2. Wireless Facilities and Equipment

Specifications of the facilities outlined below, including a site plan, can be found in [Attachment 6, Zoning Drawings](#).

2.2.1. Support structure design. Applicants are proposing to build a new 80ft tall mono-eucalyptus tree on the Property. This will be a multi-carrier, unstaffed wireless facility.

2.2.2. Antennas and accessory equipment

- Up to 12 T-Mobile panel antennas, 18 RRUs, and 4 new surge protectors, with all associated equipment will be installed on the Facility.
- The proposed T-Mobile antenna centerline is 76' and the proposed T-Mobile antenna tip height is 80'
- The antennas, RRHs, and accessory equipment on the structure will be painted to match. All paint will have an anti-glare finish.
- Sufficient space will be made available for future collocations.

2.2.3. Ground equipment.

- The leased area is 40' x 40', with an 8' CMU wall enclosure (to house associated ground equipment), with 10' wide double metal access gates with signage, painted tan to match the existing structures on the grounds. The structure and all ground equipment will be constructed within the Lease Area.

3. T-MOBILE NETWORK COVERAGE AND SERVICES

3.1. Overview—T-Mobile 4G & 5G Coverage

T-Mobile is upgrading and expanding its wireless communications network to support the latest 4G LTE and 5G technology. 4G and 5G stand for “4th Generation” and “5th Generation” and LTE stands for “Long Term Evolution.” These acronyms refer to the ongoing process of improving wireless technology standards, now in its 5th generation. With each generation comes improvement in speed and functionality – 4G LTE offers speed up to ten times faster than 3G, and 5G can deliver speeds up to 20 Gbps in ideal conditions. That’s nearly 200 times faster than the 4G network.

Most American consumers currently experience wireless connectivity on 4G networks – and are aware of the profound impact on daily life that has occurred from this connectivity. The emerging standard in voice and data telecommunications – 5G – is poised to transform America’s reliance on densely populated wireless infrastructure. 5G is the latest iteration of cellular technology. While 5G technology operates on the same radio signals as current 4G/4G LTE networks, it is engineered to transmit data more efficiently. That means superior speeds

and support for more connected devices than ever before. The ultra-low latency of 5G means quick response times during data-demanding activities.

There are several components of 5G wireless technology and separate bands of wavelength spectrum used to build a 5G network – low-band (<1GHz), mid-band (1-6GHz), and high-band millimeter wave (“mmWave”) (24 GHz and higher)

- **Low-Band Extended Range 5G.** Low-band 5G frequencies are also known as the “coverage layer.” Low-band 5G refers to frequencies below 1 GHz used to roll out substantial 5G coverage as quickly as possible. One example is the 600 MHz spectrum deployed by T-Mobile nationwide. A low-band cell site can cover hundreds of square miles and deliver a downlink data rate from 30-75 Mbps download—ideal for uses like streaming HD video. Because low-band signals easily pass through buildings, they offer solid coverage indoors and outdoors and are an effective way to connect parts of rural America where even fixed broadband speeds don’t always meet national benchmarks.
- **Mid-Band 5G.** Mid-range frequencies (spanning 1 GHz and 6 GHz) strike a balance between coverage and capacity. Mid-band 5G base stations can transmit and receive high-capacity signals over fairly large areas, and they can represent an ideal mix of performance for the bulk of 5G traffic in metropolitan areas.
- **High-Band mmWave 5G.** High-band 5G uses millimeter-wave (mmWave) frequency bands. High-band is a very specialized part of the 5G offering. Functioning over a shorter radius, it’s particularly useful in urban areas and busy venues like stadiums and shopping malls. High-band can simultaneously provide many high-speed connections focused on an area of just a block or two, from a small cell site mounted close to street level.

Using these frequencies together can help T-Mobile’s network deliver the increased connectivity, reliability, speeds, and security the public demands. Upon completion, the Facility will become part of T-Mobile’s statewide and nationwide communications network. See Attachment 5, Coverage Objective and Engineering Justification.

3.2. Need for Site and Coverage Objectives

T-Mobile has established a need for service in this geographic area, as determined by market demand, coverage requirements for a specific geographic area, and the need to provide continuous coverage from one site to another in a particular geographic region. The specific coverage objective was determined through a combined analysis of customer complaints, service requests, and radio frequency engineering design. This proposed Facility will allow for uninterrupted wireless service in the targeted coverage area with fewer dropped calls, improved call quality, and improved access to additional wireless services that the public now demands. This includes emergency 911 calls throughout the area (*See Attachment 5—Coverage Objective and Engineering Justification*).

This site is needed to provide residents and those working and/or traveling through the area with improved and reliable wireless service, enhanced call quality and data usage, which is currently poor. This proposed site will enable T-Mobile to provide its customers with the service they expect and that enables them to use their wireless devices for personal, business and emergency service needs. See Attachment 8, RF Propagation Maps.

Additionally, this facility will provide several important public benefits, including:

- Improved connectivity to support wireless 911 calls from the public;
- Decreased times to respond to emergencies;
- Improved wireless service speed, reliability and capacity.

As part of Vertical Bridge's ongoing commitment to supporting local first responder agencies and making their infrastructure available where feasible, they have also offered the Pima County Sheriff's Office and Fire Department an opportunity to locate radio equipment on the proposed tower, free of charge. This proposed Facility meets T-Mobile's coverage objectives to provide in-vehicle and in-building wireless coverage within a geographic area not presently served by T-Mobile's network. Specifically, this facility is intended to significantly improve service in this residential area.

3.3. Search Ring

T-Mobile's RF engineers performed an RF engineering study, considering multiple objectives, to determine the approximate site location and antenna height required to fulfill the noted network objectives for the targeted service area. From this study, T-Mobile's RF engineers identified a "search ring" area where a WCF may be located to provide effective service in the target coverage area.

4. SITING ANALYSIS AND COMMUNITY OUTREACH

A viable site location must work from a technical standpoint to provide the service needs to the area, and be leasable, zone-able and buildable. This subject parcel was selected because it meets all the requirements necessary for a viable site location:

- (i) The parcel falls within the Engineer's search ring and meets the technical needs of T-Mobile;
- (ii) Has a willing property owner;
- (iii) the parcel is 8.55 acres, which complies with the Zoning Department's preference of a minimum of 3 acres for rural residential.
- (iv) the site is at the edge of the neighborhood and backs up to a large rock quarry, so not within a scenic view path toward the North.

4.1. Alternative Site Analysis

Vertical Bridge has been working with T-Mobile for the last few years to find the right candidate and an viable location. The Applicants' evaluated the following alternative site locations within the targeted search ring. Vertical Bridge reached out to approximately 20 possible site locations and evaluted 3 candidates (limited due to washes and size of parcels) all within the 2-miles of the search ring. All properties that 3 acres or over and would allow for a 1:1 setback had deep wash issues, access issues, no room, or just were not leasable. For further details, see *Attachment 4, Alternatives Analysis.*

4.2. Community Outreach

A Neighborhood Meeting was held at the proposed site (10510 W Massingale Rd) on Saturday, June 29th. Invitations were sent to parcel owners within 1000' of the proposed parcel, per Pima County Zoning Ordinance. Forty-five (45) invitations were mailed out, which included Christine Tucker's name and phone number for anyone who wished to contact her prior to, or after the meeting. Eleven (11) neighbors attended, of which nine (9) were opposed, one (1) was in favor of the site, and one (1) was undecided. Staff was kept apprised of the meeting date, attendees and outcome.

-Neighbors commented about perceived health effects, no need for the site and property values from the proposed site.

-No specific comments or input on the design was received.

-They asked whether the existing vegetation would be cut down, to which I replied that any protected cacti impacted by construction would be covered or relocated to ensure its livelihood. We would have to remove some desertscape to allow for the compound and access, but the surrounding desert greenery would not be disturbed.

See Attachment 16 for the Meeting invitation, mailing list and attendee sign-in sheet included in submittal package.

5. APPLICABLE LAW

5.1. Local Codes

Pursuant to Pima County code new WCF support towers in the GR-1 zone district are subject to a Type III Conditional Use Permit and must comply with the criteria in Section 18.07.030.H. See *Attachment 2—Statement of Code Compliance for Applicants' demonstration of compliance with the applicable code.*

5.2. Federal Law

Federal law, primarily found in the Telecommunications Act of 1996 (“Telecom Act”), acknowledges a local jurisdiction’s zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways.

5.2.1. Local jurisdictions may not materially limit or inhibit. The Telecom Act prohibits a local jurisdiction from taking any action on a wireless siting permit that “prohibit[s] or [has] the effect of prohibiting the provision of personal wireless services.” 47 U.S.C. § 332(c)(7)(B)(i)(II). According to the Federal Communications Commission (“FCC”) Order adopted in September 2018,¹ a local jurisdiction’s action has the effect of prohibiting the provision of wireless services when it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”² Under the FCC Order, an applicant need not prove it has a significant gap in coverage; it may demonstrate the need for a new wireless facility in terms of adding capacity, updating to new technologies, and/or maintaining high quality service.³

While an applicant is no longer required to show a significant gap in service coverage, in the Ninth Circuit, a local jurisdiction clearly violates section 332(c)(7)(B)(i)(II) when it prevents a wireless carrier from using the least intrusive means to fill a significant gap in service coverage. *T-Mobile U.S.A., Inc. v. City of Anacortes*, 572 F.3d 987, 988 (9th Cir. 2009).

- **Significant Gap.** Reliable in-building coverage is now a necessity and every community’s expectation. Consistent with the abandonment of land line telephones and reliance on only wireless communications, federal courts now recognize that a “significant gap” can exist based on inadequate in-building coverage. See, e.g., *T-Mobile Central, LLC v. Unified Government of Wyandotte County/Kansas City*, 528 F. Supp. 2d 1128, 1168-69 (D.Kan. 2007), *affirmed in part*, 546 F.3d 1299 (10th Cir. 2008); *MetroPCS, Inc. v. City and County of San Francisco*, 2006 WL 1699580, *10-11 (N.D. Cal. 2006).
- **Least Intrusive Means.** The least intrusive means standard “requires that the provider ‘show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.’”

¹ *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018), *affirmed in part and vacated in part*, *City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied*, 594 U.S. ___, 141 S.Ct. 2855 (June 28, 2021)(No. 20-1354) (“FCC Order”).

² *Id.* at ¶ 35.

³ *Id.* at ¶¶ 34-42.

572 F.3d at 995, *quoting MetroPCS, Inc. v. City of San Francisco*, 400 F.3d 715, 734 (9th Cir. 2005). These values are reflected by the local code’s preferences and siting requirements.

5.2.2 Environmental and health effects prohibited from consideration. Also under the Telecom Act, a jurisdiction is prohibited from considering the environmental effects of RF emissions (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. § 332(c)(7)(B)(iv). The Applicants have included with this application a statement from T-Mobile’s radio frequency engineers demonstrating that the proposed facility will operate in accordance with the Federal Communications Commission’s RF emissions regulations. *See Attachment 10*. Accordingly, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed facility should be disregarded in this proceeding.

5.2.3. No discrimination amongst providers. Local jurisdiction also may not discriminate amongst providers of functionally equivalent services. 47 U.S.C. § 332(c)(7)(B)(i)(I). A jurisdiction must be able to provide plausible reasons for disparate treatment of different providers’ applications for similarly situated facilities.

5.2.4. Shot Clock. Finally, the Telecom Act requires local jurisdictions to act upon applications for wireless communications sites within a “reasonable” period of time. 47 U.S.C. § 332(c)(7)(B)(ii). The FCC has issued a “Shot Clock” rule to establish a deadline for the issuance of land use permits for wireless facilities. 47 C.F.R. § 1.6001, *et seq.* According to the Shot Clock rule for “macro” wireless facilities, a reasonable period of time for local government to act on all relevant applications is 90 days for a collocation, with “collocation”⁴ defined to include an attachment to any existing structure regardless of whether it already supports wireless, and 150 days for a new structure.

The Shot Clock applies to all authorizations required for siting a wireless facility, including the building permit, and all application notice and administrative appeal periods.

Pursuant to federal law, the reasonable time period for review of this application is 150 days.

⁴ 47 C.F.R. § 1.6002(g).

Attachment 2
Staff Requested
Supplemental Narrative



PIMA COUNTY ZONING (CUP III) APPLICATION SUBMITTAL NARRATIVE

Market/Project Name: US-AZ-7065 / Cherokee Pony / SWENSON
Tower Owner / Carrier: VERTICAL BRIDGE LLC / T-Mobile
Site Address: 10510 W. Massingale Rd., Tucson, AZ 85743
Accessors Parcel Number: 215-40-026A

Pima County
Development Services/Planning Division
201 N. Stone Ave., Tucson, Arizona 85701
Attn: Tom Drzazgowski

RE: Vertical Bridge is submitting a Conditional Use Permit Application (Type III) for a New Wireless Communications Facility, per the Pima County Zoning Code.

Below are the Applicants' Responses to Staff's Request for Supplemental Information.

1. What is the height of the proposed WCF?

80' Eucalyptus Tree, 85' top of branches is being proposed by Vertical Bridge, with T-Mobile equipment.

2. Provide a map showing all the existing WCFs within a 1,000 feet radius for sites within Rural, Single-Family Residential or Multiple-Family zoning districts (Regardless of provider).

There are no other WCF's with a 2-miles of Vertical Bridge proposed site location.

3. Provide a list with locations and approximate height of all existing vertical structures (of a height approximately equal or greater than the requested tower) within the WCF's search area. This includes church spires and steeples, light standards, water towers, transmission lines, buildings, or other similar structures.

There are no locations within the 2-mile radius of the proposed Vertical Bridge site that have a height approximately equal or greater than the requested tower within the WCF's search area.



4. **Provide a map showing the service areas which the proposed facility will serve.**

See **Attachment 8**, an RF Propagation map was included in the submittal package showing the proposed coverage area.

5. **Explain any attempts or possibilities that have been investigated relating to co-location with another provider or existing facility.**

There are no collocatable structures in the search ring or just outside it that would work to close the gap in service.

6. **Explain how this request can facilitate co-location with other users.**

This is a multi carrier facility structurally designed to support additional wireless carriers.

7. **Will the request involve removal of mature trees or cacti? If so, discuss plans for relocation of such vegetation.**

No Saguaro or Barrel Cactus will be removed with this project. The General Contractor will be instructed to protect all existing cacti during construction. Should any protected cacti be impacted by construction, the general contractor will be instructed to have them professionally removed and relocated nearby, to a location approved by the property owner.

8. **Discuss the following compatibility issues:**

- a. **Setbacks from residential uses.**

The proposed facility meets setbacks from all 3 residential uses. The pole is proposed to be 80', with 1:1 setback requirement.

- b. **Setbacks from all property lines.**

North – 360' 10"
South – 518' 1"
East – 180' 5"
West – 150' 0"

Setbacks from uses/structures on adjacent property.

North – Rock Quarry
South – Property owner's home approximately 461'.



East – N Roxy Rd.
West -375' to existing home.

c. **Setbacks from public and private streets or access easements.**

The proposed facility is setback approximately 170' from N Roxy Rd.

d. **Future additional appurtenances or expansion plans**

Vertical Bridge has no expansion plans.

e. **Color and type of tower, landscaping, and fence screening.**

The proposed facility is an 80' top of pole faux Eucalyptus tree, within an 8' CMU wall enclosure painted light tan to blend with existing structures on parcel.

9. **If a stealth design is not being proposed, please explain why.**

Not applicable as the Applicants are proposing a stealth design/

Attachment 3
Letter of Authorization



LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

10510 W. Massingale Rd, Tucson, AZ 85743

Property Address

WCF CUP-TYPE III

Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)

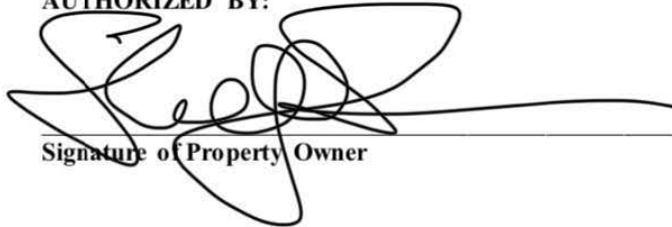
Christine Tucker Digitally signed by Christine Tucker
Date: 2024.08.17 13:28:22 -07'00'

8.12.24

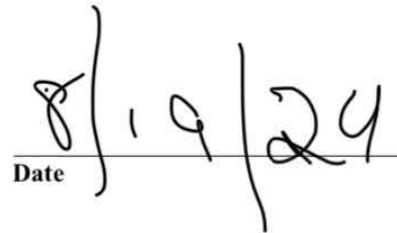
Signature of Applicant

Date

AUTHORIZED BY:



Signature of Property Owner



Date

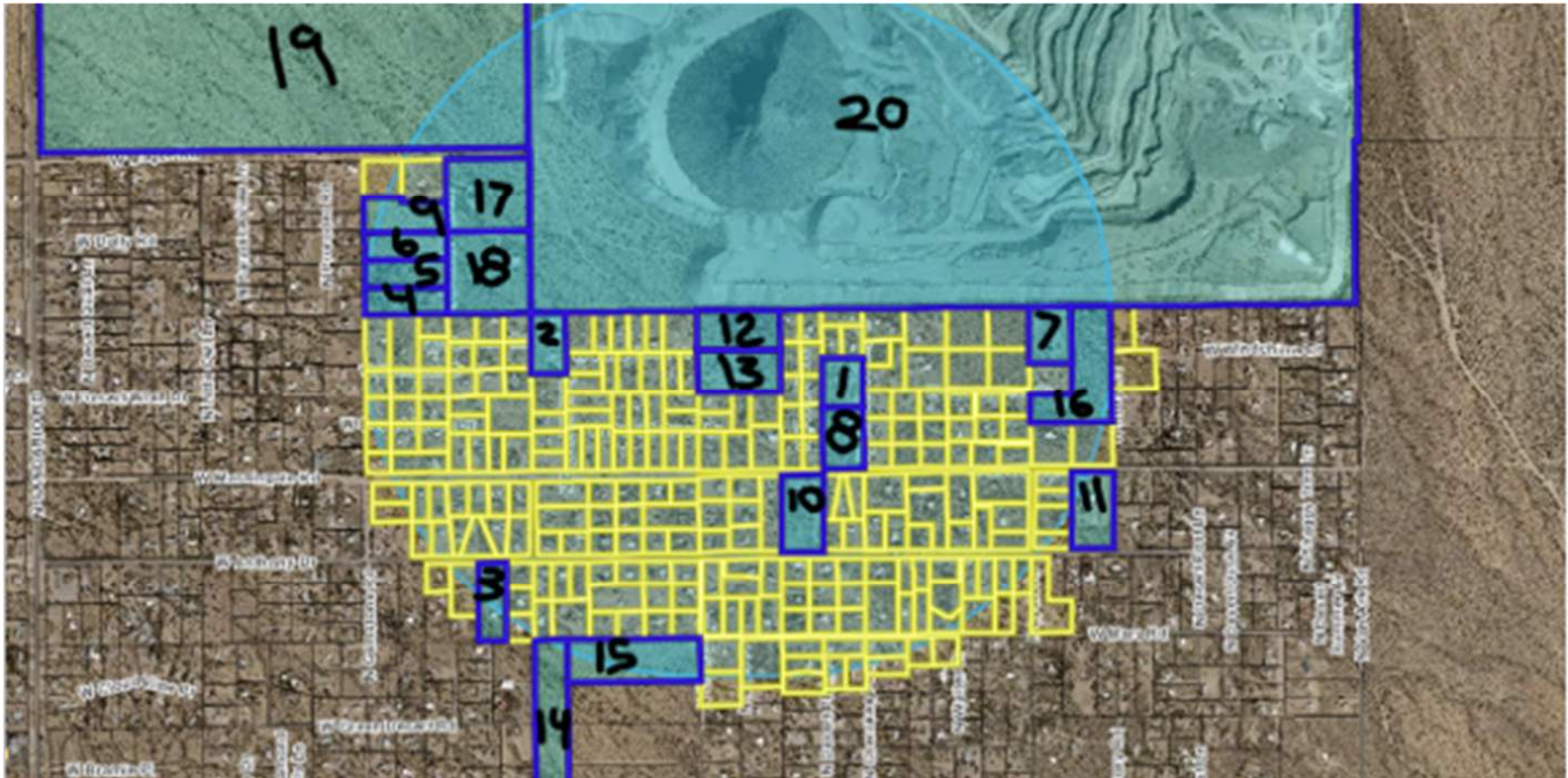
Attachment 4
Alternatives Analysis

Alternative Site Analysis
US-AZ-7065
10510 W. Massingale Road
Tucson, AZ 85743

Prepared By:
Christine Tucker
9/17/2024

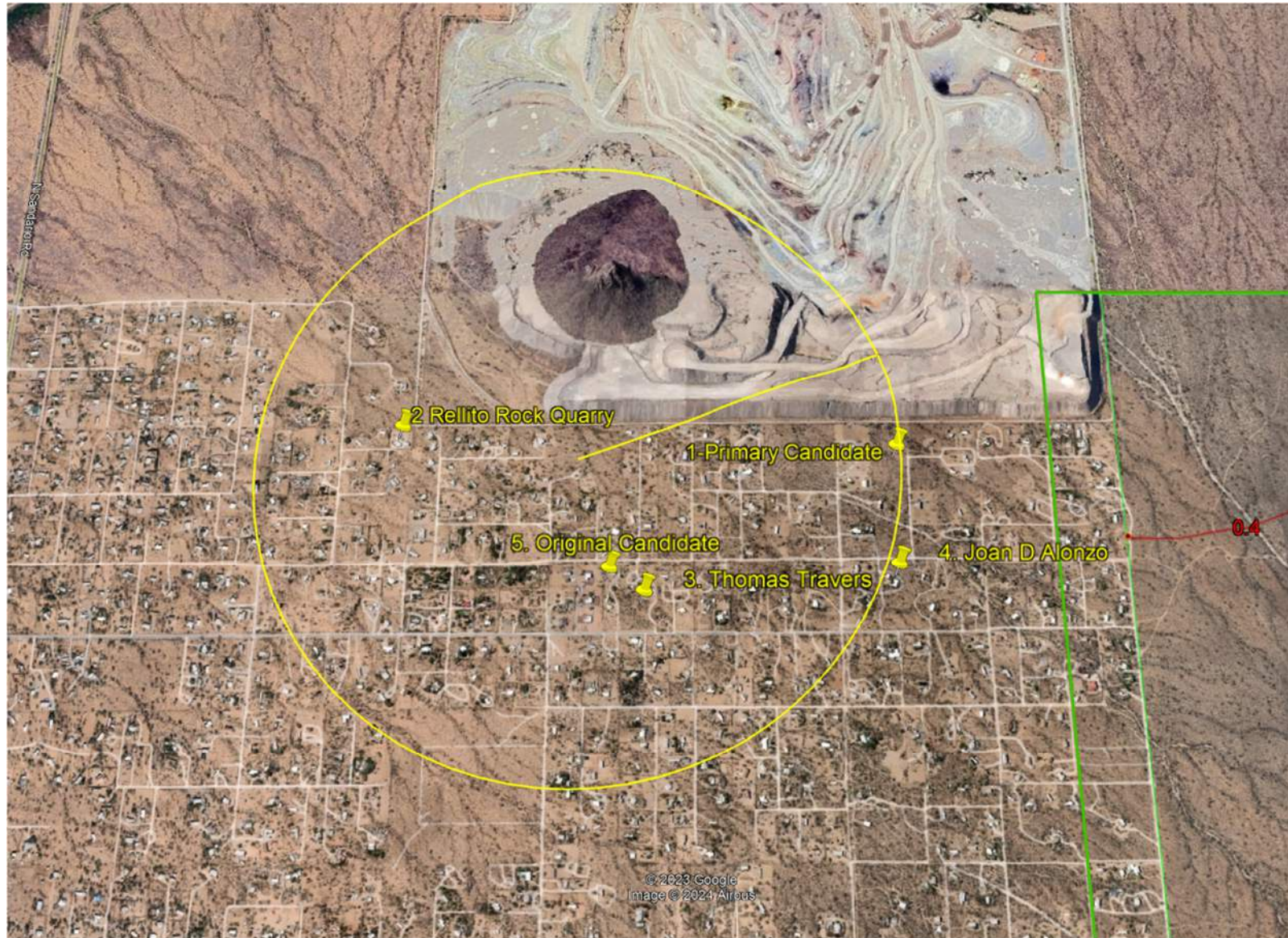
Summary: A search ring was provided by T-Mobile’s Radio Frequency (“RF”) Engineer identifying the project’s coverage needs. We reviewed this search ring and compared it to existing zoning, development requirements, land uses, and existing parcel conditions. After this review, we identified multiple properties as potential sites. Owners of 20 parcels over 3 acres in size were contacted to inquire about leasing spaces for the facility.

MAP OF LOCATIONS CONSIDERED/CONTACTED



#	Parcel ID	Acres	Address	Owner	Comments
1	2151006L	2.975	7715 N CHEROKEE PONY TRAIL	SHARP JAY & COURTNEY & LEVINE JEFFREY & DENISE	No reply from multiple calls and letter.
2	21536020	3.064	7751 N DESSERT WOLF WY	VINCENT THOMAS D & FIORILLO DAVID V & ALICE .	No reply from multiple calls and letter.
3	21530350	3.211	11211 W ANTHONY DR	SCHWAB WILLIAM	No reply from multiple calls and letter.
4	215360060	3.261	7811 N DESERT PASS RD	SHERR RONALD & REBECCA CP/RS	No reply from multiple calls and letter.
5	215360050	3.327	7835 N DESERT PASS RD	GARCIA ALBERT H & GLORIA JT/RS	No reply from multiple calls and letter.
6	215360030	3.347	7839 N DESERT PASS RD	GARCIA ALBERT H & GLORIA ANN JT/RS	No reply from multiple calls and letter.
7	21540028B	3.46	7700 N LYDIA AV	DIVERSIFIED CAPITAL COMMITMENTS LLC	No reply from multiple calls and letter.
8	21541006M	3.683	7715 CHEROKEE PONY TRAIL	KEYTE ALAN B & PEGGY J JT/RS	No reply from multiple calls and letter.
9	21536002C	3.721	7843 N DESERT PASS RD	GARCIA ALBERT H & GLORIA CP/RS	No reply from multiple calls and letter.
10	215420040	4.705	10851 W ANTHONY RD	TRAVERS THOMAS J & GERALDINE JT/RS	Owner interested in leasing to Vertical Bridge.
11	215430620	4.73	10500 W ANTHONY DR	D ALONZO JOAN	Owner interested in leasing to Vertical Bridge.
12	215410090	4.845	11010 W WINDCHIME DR	SUTTON JEAN	Owner said they were not interested.
13	215410100	5.2303	10880 W MASSINGALE RD	ALBRIGHT CHRISTIAN PETER	No reply from multiple calls and letter.
14	21539063A	8.0103	11010 N ELLEXSON DR	ABOUD & ABOUD	No reply from multiple calls and letter.
15	2153063B	8.1807	11020 N ELLEXSON DR	ABOUD & ABOUD	No reply from multiple calls and letter.
16	21540026A	8.548	10510 W MASSINGALE RD	SWENSON SHELLY	Owner interested in leasing to Vertical Bridge.
17	215360010	8.965	7950 N DESERT PASS RD	KAUL RANDALL E & BRUMMERMANN MARGARETHE	Owner said he was not interested.
18	215360040	10.025	7840 N DESERT PASS RD	MOLDENHAUER JOHN W	Owner said he was not interested.
19	215270030	468.965	N QUARRY BOUNDARY RD AND W INA RD.	UNITED STATES OF AMERICA	No reply.
20	215360120	1.11	11210 W PINEROSE RD AND ABUTS QUARRY	ARIZONA PORTLAND CEMENT CO	Interested in leasing parcel that abuts quarry.

Cherokee Pony Alternate Site Analysis 5 Potential Candidates



Alternative Analysis Summary – New Tower Development

	Location	Zoning & Land Use	Contacted	Feasible? (Y/N)	Summary
Selected Site Location					
1	APN: 21540026A Address: 10510 W Massingale Rd.	Zoning: GR-1 Land Use: Medium Intensity Rural Jurisdiction: Pima County	Shelly Swenson	Y	The site had a willing landlord and is 8.55 acres, is not embedded within a neighborhood and backs up to the Rellito Rock Quarry, so not within a scenic view path looking North. This parcel contains some vegetation which will provide a buffer for the proposed facility.
New Tower Location Alternatives					
2	APN: 21526013B Address: Quarry Boundary Rd. & N Quarry Boundary Rd.	Zoning: GR-1 Land Use: Medium Intensity Rural Jurisdiction: Pima County	Rellito Rock Quarry	N	This site was not leasable. We approached and discussed the site with Rellito Rock Quarry, but they decided not to lease a site within the quarry.
3	APN: 215420040 Address: 10851 W. Anthony Dr.	Zoning: GR-1 Land Use: Medium Intensity Rural Jurisdiction: Pima County	Thomas Travers	Y	Not pursued after discussing the site with Staff. The site is more embedded at the center of the neighborhood than the subject site.
4	APN: 215430620 Address: 10500 W. Anthony Dr.	Zoning: GR-1 Land Use: Medium Intensity Rural Jurisdiction: Pima County	Joan D Alonzo	N	This site was rejected by T-Mobile as it would not work to close the coverage gap and is outside the search ring.
5	APN: 215420030 Address: 10914 W. Anthony Dr.	Zoning: GR-1 Land Use: Medium Intensity Rural Jurisdiction: Pima County	Florence Murphy	N	This was the original candidate Vertical Bridge pursued. Staff did not support this location as it is just under 3 acres, and is embedded within the neighborhood.

	Location	Zoning & Land Use	Contacted	Feasible? (Y/N)	Summary
Selected Site Location					
6	APN: Address:	Zoning: Land Use: Jurisdiction:			All other owners contacted either did not reply after several attempts made via phone calls and letter, or they said they were not interested.

- T-Mobile is already collocated on the site behind the gas station at 6890 N Sandario Road.

Attachment 5
**Statement of Code
Compliance**

**STATEMENT OF CODE COMPLIANCE
TYPE III CONDITIONAL USE APPLICATION
FOR COMMUNICATION TOWER
CHEROKEE PONY / US-AZ-7065**

Submitted to Pima County, Arizona Development Services

Applicants' proposal complies with all Pima County code requirements as addressed in this Statement of Code Compliance in the following order:

Wireless Facilities Requirements

- Pima County Code Section 18.07.030.H

General Requirements

- Chapter 18.97 Conditional Uses

PLEASE NOTE: Applicants' responses to the above referenced criteria are indicated below each applicable provision in *bold italicized blue text*.

Wireless Facilities Requirements

Pima County Code Section 18.07.030.H Communication Towers

1. Purpose:

- a. To regulate the placement, construction and modification of communications towers and related equipment areas in order to protect the health, safety and welfare of the public in accordance with the guidelines and intent of the Telecommunications Act of 1996 and other applicable federal, state and local ordinances;

Applicants' Response: The Applicants acknowledge that the County is committed to processing the application in accordance with the Telecommunications Act of 1996.

- b. To minimize the total number of communication towers throughout unincorporated Pima County by maximizing the use of existing communication towers in order to reduce the number of new towers needed;

Applicants' Response: This application furthers this purpose as the Applicants are proposing to install a multi-carrier facility that is intended and will be marketed for use by multiple carriers.

- c. To maintain and preserve the existing unique attributes of community character including, but not limited to, architecture, historic and cultural features, historic development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures that define the community identity of rural and residential neighborhoods, and to preserve property values in those neighborhoods;

Applicants' Response: The Applicants consulted with and followed Staff's direction regarding the location and facility design to ensure that the site will not impact the character of the community.

- d. To encourage the location of communication towers in business and industrial zones and in areas of compatible uses;

Applicants' Response: As explained in this application, there are no business or industrial parcels available on which to locate the site. See Attachment 3, Alternatives Analysis.

- e. To minimize the adverse impacts of communications towers and related equipment areas on visually sensitive areas including, but not limited, to skylines, rock outcroppings, foothills, mountain backdrops, unique vegetation, streams and natural drainageways through the careful design, siting, landscape screening and innovative camouflaging techniques utilizing current and future technologies;

Applicants' Response: In compliance with this provision, the Applicants are proposing a camouflaged structure that will minimize the visual impact of the facility.

- f. To promote and encourage shared use or co-location of communication towers and antenna support structures;

Applicants' Response: In compliance with this provision, the Applicants are proposing a multi-carrier communication facility that is designed to accommodate and will be marketed to multiple carriers.

- g. To protect the aesthetic quality of neighborhoods by encouraging the siting of communication towers to minimize negative aesthetic impacts and ensure to the extent possible that communications towers and related equipment areas are compatible with surrounding land uses;

Applicants' Response: The Applicants worked with planning Staff to identify the best available location. The selected site is adjacent to a quarry property, and the facility is sited away from the center of the residential area to the extent possible.

- h. To allow unincorporated Pima County access to the latest in wireless technologies by collaborating with the wireless industry in developing sound siting policy.

Applicants' Response: This purpose is furthered by the application as the facility will provide the latest available wireless technology to the area.

2. Applicability:

- a. Communication towers are permitted in any zone subject to the requirements of the Pima County Zoning Code.

Applicants' Response: The Applicants acknowledge this provision and understand that facilities are permitted in any zone district.

- b. Lattice-type communication towers intended for commercial uses are not permitted within public rights-of-way.

Applicants' Response: This provision is not applicable as the Applicants are not proposing a lattice tower or a location in the public right-of-way.

- c. Towers over two hundred fifty feet in height are permitted only in business or industrial zones and shall comply with FAA painting and lighting (over one hundred ninety-nine feet in height) standards to provide for aircraft safety.

Applicants' Response: The Applicants are not proposing a tower over 250 feet in height, so this provision is not applicable.

- d. New communication towers in rural and residential zones, in gateway overlay zones and within two hundred feet of a designated scenic route shall be stealth design so as to minimize or mitigate the adverse visual impact through proper design and aesthetics to ensure that the communication tower is compatible with the built environment in which it is located. Because of differing circumstances specific to each site, a communication tower that is considered to be stealth in one location may not be considered to be stealth in a different location. Methods of stealth design include, but are not limited to:
 - 1) Design that mimics surrounding existing vegetation such as palm trees (monopalms), pine trees (monopines) and Saguaro cacti not to exceed forty

feet in height. If monopalms are used in areas where palm trees are not naturally prevalent in the vicinity of the communication tower location, two palm trees shall be planted on the site. Each palm tree shall be equal to one-half of the height of the monopalm at planting but must be a species that will grow to a minimum height of thirty feet. Monopalms and monopines are not permitted in buffer overlay zones.

Applicants' Response: In accordance with this provision and after consultation with Staff, the Applicants are proposing a mono-eucalyptus tree design. In order to meet the coverage objective, the facility is 80' high. The height has been evaluated and lowered to the extent possible so that the site can provide sufficient service to the area and close the coverage gap. See Attachment 8, RF Coverage Propagation Maps.

- 2) Mounting antennas on existing structures that blend with the architecture of the structure on which the antennas are located.

Applicants' Response: No existing structures are in the area that would be a viable option for mounting antennas.

- 3) Using color schemes that make the communication tower less noticeable.

Applicants' Response: The facility will be camouflaged to appear as a mono-eucalyptus tree, and the color scheme will include greens and browns consistent with that design in accordance with this code provision.

- 4) Using church steeples, clock towers, bell towers, roof features or other such vertical architectural elements to conceal antennas and equipment.

Applicants' Response: The Applicants are not proposing to use an architectural element.

- 5) Placing antennas on new or existing street signs, outdoor lighting poles, flag poles, windmills (both functional and faux), chimneys, cupolas, silos, smokestacks and utility poles which are designed to match the context and color of the host structure.

Applicants' Response: The Applicants are not proposing any of the designs in the section above.

Pima County Code Section 18.070.030.H.e. 1) – 16).

Applicants' Response: The Applicants acknowledge that a Type III Conditional Use Permit application is required.

3. Application procedures:

- a. A site plan is required for a communication tower and appurtenances and a communication tower equipment area.

Applicants' Response: The Applicants have submitted a site plan. See Attachment 4, Zoning Drawings.

- b. The applicant shall submit documentation detailing that applicable Federal Communications Commission and Federal Aviation Administration regulations have been reviewed and that the regulations are being complied with or that the communication tower is exempt from regulation prior to the issuance of the building permit.

Applicants' Response: Documentation confirming FAA and FCC compliance is included in this application submittal as Attachments 9 and 10.

- c. The applicant shall submit with the site plan before and after photo simulations showing the tower and surrounding area.

Applicants' Response: Photo simulations are included in this application submittal as Attachment 7.

- d. Prior to the issuance of a building permit, the applicant shall submit a license agreement to use the public right-of way and approval from the department of transportation as conditions of site plan approval for any communication tower or co-located antenna and associated communication tower equipment area to be located in a public right-of-way.

Applicants' Response: The Applicants are not proposing a site in the right-of-way.

- e. The minimum notification area for communication towers requiring a conditional use permit hearing is one thousand feet in the IR zone.

Applicants' Response: The Applicants acknowledge the hearing notification requirements.

- f. For new towers the applicant shall submit a narrative explanation describing the community necessity for the new tower and resulting increase in coverage. The narrative shall list, and include a discussion of, the pros and cons of each

prospective new tower site and co-location opportunity considered (along with maps showing the locations of each site) and shall state the reasons why each of the alternative sites and co-locations was not considered to be feasible. The narrative report shall be accompanied by before and after propagation maps prepared and signed by a radio frequency engineer evidencing that a gap in coverage exists and demonstrating how the proposed tower will eliminate the existing gap.

Applicants' Response: The Applicants have submitted a Project narrative (See Attachment 1), an Alternatives Analysis (See Attachment 4), RF Propagation Studies (See Attachment 8) to demonstrate the community necessity for the site, the improved coverage that the site will provide, and the alternative candidates considered.

- g. Applicants for a communication tower for cellular phone antennas must provide evidence in writing that at least one cellular phone provider is committed to locate on the tower.

Applicants' Response: See Attachment 10, T-Mobile USA letter of intent demonstrating T-Mobile's intent to locate on the tower.

- h. Upon completion of the construction of any communication tower activity requiring a permit or right-of-way license, the applicant shall submit two sets of as-built photographs of the completed project as evidence of compliance with the provisions of the permit or right-of-way license.

Applicants' Response: The Applicants acknowledge the requirement to provide as built photographs when the project is installed.

4. Development standards:

- a. Lattice-type communication tower and associated equipment area not within the public right-of-way:
 - 1) Minimum site area: None.
 - 2) Minimum lot setbacks: A distance equal to the height of the tower.

Applicants' Response: The Applicants are not proposing a lattice tower.

- b. Monopole communication tower and associated communication tower equipment area within the public right-of way:
 - 1) Minimum site area: None.

- 2) Minimum setbacks - tower: A distance equal to the height of the tower from a residence.

Applicants' Response: The Applicants are not proposing a site in the public right-of-way.

- c. Monopole communication tower and associated communication tower equipment area not within the public right-of way:

- 1) Minimum site area: None.

- 2) Minimum lot setbacks - tower:

- a) Adjacent to a residential Zone or use, or within the IR zone: A distance equal to the height of the tower.

Applicants' Response: The proposed facility exceeds the minimum setbacks required from all adjacent property lines. See Attachment 6, Zoning Drawings.

- b) Adjacent to a non-residential zone: A minimum of fifty feet to all lot lines except internal lot lines within the boundaries of an approved development plan. Exceptions to this requirement for side and rear setbacks may be obtained through an approved modification of setback requirements request. Monopole communication towers adjacent to an industrial zone shall meet the setback requirements of the zone in which the tower is located.

Applicants' Response: This setback does not apply to the facility.

- 3) Minimum lot setbacks – communication tower equipment area: The communication tower equipment area shall meet the setback requirements for accessory structures in the zone in which the tower is located.

Applicants' Response: The communication equipment area meets the setback requirement of this provision.

- d. Co-located antenna(s) attached to an existing, conforming structure including replacement poles and associated communication tower equipment area within the public right-of-way:

- 1) Minimum site area: None.

- 2) Minimum site setbacks: None.

Applicants' Response: This provision does not apply to this project.

- e. An antenna(s) attached to an existing, permitted structure, including replacement poles, and associated communication tower equipment area not located within the public right-of-way:
 - 1) Minimum site area: None.
 - 2) Minimum lot setbacks: None.

Applicants' Response: This provision does not apply to this project.

- f. Communication monopoles and lattice towers located within two hundred feet of a designated scenic route shall be stealth design, so long as this is not in conflict with FAA standards. If a new utility pole is used for the communication tower and the new utility pole replaces an existing utility pole which is one of a line of utility poles, then the color of the replacement utility pole and the new antennas shall match the color of the adjacent utility poles.

Applicants' Response: This provision does not apply to this project. However, the Applicants are proposing a stealthed facility.

- g. Towers shall be located with access to a publicly maintained road.

Applicants' Response: The facility will be accessed off of North Roxy Road, a publicly maintained road.

- h. Landscaping shall be in accordance with Chapter 18.73 and shall screen the communication tower equipment area from adjacent residential uses and public streets. This requirement is not applicable within public rights-of-way.

Applicants' Response: No landscaping is proposed as screening is accomplished via the camouflaged design and any additional landscaping would be a waste of water resources and not visible because the base of the facility will be screened by a CMU wall.

- i. Barbed wire may be used on fences and walls for security purposes in nonresidential zones if the wire is a minimum of six feet above ground level.

Applicants' Response: A three wire fence is proposed to be located on along the east property line. The equipment compound will be enclosed within a CMU wall.

- j. The light source of any outdoor security lighting shall not be visible from adjoining residential properties and shall be arranged to eliminate glare towards adjoining residential properties.

Applicants' Response: The only lighting proposed is a LED tech light for maintenance visits. It has a full cut-off, flat faced lens, and is on a timer. It will be mounted inside the compound wall at approximately 7' 10" to prevent any glare.

- k. A minimum of one parking space shall be provided for each tower either within the site area or off-site if demonstrated to be safe and reliable.

Applicants' Response: One parking space is proposed.

- 5. Termination of Use. Any tower, structure or antenna that ceases operation for a period of twelve consecutive months shall be deemed to have terminated use and shall be removed within ninety days at the property owner's expense.

Applicants' Response: The Applicants acknowledge this provision.

- 6. Communication Tower Notice Permitting Process

- a. Applicability. New communication towers thirty feet or less may be permitted by the zoning inspector in accordance with the provisions of this subsection.

Applicants' Response: This provision does not apply to this project.

- b. Application. Applications for communication towers shall be made on forms provided by the development services department and shall include all information in Section 18.07.030(H)(3) of the Pima County Zoning Code.

Applicants' Response: The Applicants acknowledge this provision.

- c. Notice to owners of affected properties

- 1) The zoning inspector shall mail notice of the application, including a site plan and photo simulation, to property owners within one thousand feet for requests in RH, GR-1, SR and SR-2 zones, and property owners within three hundred feet for all other zones.

Applicants' Response: The Applicants acknowledge this provision.

- 2) The zoning inspector may waive the sending of notice to any property owner that provides written consent to the request.

Applicants' Response: The Applicants acknowledge this provision.

- d. Action by the zoning inspector.

- 1) The zoning inspector shall review all submitted information and provide a written response to the applicant.

Applicants' Response: The Applicants acknowledge this provision.

- 2) If no protest has been received, approval may be granted and building permits may be issued for the tower in accordance with Section 18.93.050 of the Pima County Zoning Code.

Applicants' Response: The Applicants acknowledge this provision.

- 3) If a written protest is received from a property owner in the notice area within fifteen days of the date of the mailing of notice the application shall be denied and the applicant shall be informed of the protest. The applicant may submit a conditional use application for the communication tower.

Applicants' Response: The Applicants acknowledge this provision.

7. Administrative Waiver Process (A.R.S. § 11-1803(C)).

- a. An applicant may apply for an administrative waiver for a small wireless facility as defined by A.R.S. § 11-1801(17). An administrative waiver may only be requested for items listed in A.R.S. § 11-1803(B)5, 6, or 7.

Applicants' Response: The Applicants acknowledge this provision.

- b. The zoning inspector will consider the purpose statement found in Section 18.07.030(H)(1) of the Pima County Zoning Code when determining whether to grant an administrative waiver.

Applicants' Response: The Applicants acknowledge this provision.

- c. For requests to waive an undergrounding requirement and allow a utility pole in the right-of-way on a scenic route under A.R.S. § 11-1803(C), the zoning inspector will permit the pole when the proposed utility pole is within twenty feet of an existing utility pole, street light or similar structure and the proposed utility pole is no higher than the existing structure that is within twenty feet.

Applicants' Response: This provision is not applicable to the proposed project.

General Requirements Applicable to Conditional Use Permits Chapter 18.97

18.97.010 Purpose.

Purpose. This chapter provides procedures and standards for the review and approval of conditional uses, as designated within the zoning classifications of this code. Conditional uses provide zoning flexibility, but, due to their potentially adverse impacts, require the review processes established in this chapter.

Applicants' Response: The Applicants acknowledge the above stated purpose this Chapter and understand that this review criteria applies to their submitted application.

18.97.020 Definitions.

A. Certain terms used in this chapter shall be defined, for the purpose of this chapter only, as follows:

1. Affected property owner: Any owner of property located within the required radius for written notification of public hearing.
2. Conditional use: A use which, due to its greater potential for nuisance or hazard than other uses of the zone, has its establishment in a zone conditional upon the procedures and standards of this chapter.
3. Hearing administrator: A county hearing officer, not being an employee of the planning and development services department, as appointed by the board of supervisors.

Applicants' Response: The Applicants acknowledge the above definitions.

18.97.030 Procedures and requirements.

A. Scope.

1. A conditional use may be requested by submitting a conditional use permit application to the planning and development services department. Issuance of the permit is subject to the requirements of this chapter and any requirements of the zone in which the use is being requested;

Applicants' Response: The Applicants understand this provision and have submitted an application requesting approval of a conditional use. The

Applicants further intend that their application comply with all requirements of this chapter.

2. Application for a permit may only be made by the property owner of the subject property or an agent for the property owner.

Applicants' Response: The Applicants acknowledge this requirement and have submitted a letter of authorization signed by the property owner deeming Vertical Bridge as its agent and authorizing it to file this application. See, Attachment 3, Letter of Authorization.

B. Staff Consultation. The applicant is advised to consult with county staff concerning potential requirements prior to submittal of the application.

Applicants' Response: The Applicants' representative Christine Tucker has consulted with Staff on numerous occasions and has modified the originally proposed facility design and location at Staff's direction.

C. Application.

1. The complete application shall include, at a minimum:

a. A legal description of the property,

Applicants' Response: The property legal description can be found in Attachment 6, see sheet LS-1.

b. A list, by name and title, of all ownership interest in the property (e.g., individual, corporation, trust or limited partnership), in accordance with A.R.S. § 33-506,

Applicants' Response: The property owner is Shelly Swenson. See Attachment 15.

c. A letter of authorization for an agent,

Applicants' Response: See Attachment 3, Letter of Authorization.

d. Applicable permit fees, in accordance with the adopted conditional permit fees schedule,

Applicants' Response: The Applicant will provide proof of paid fees upon request.

- e. A preliminary development plan in accordance with Section 18.91.030 (Rezoning), which shall show compliance with all other requirements of the zone in which the use is proposed to be located,

Applicants' Response: This is not applicable to this request.

- f. A floor plan detail, when the request pertains to interior access or use;

Applicants' Response: This requirement doesn't apply as this is a conditional use application for an unstaffed wireless facility. Please refer to Attachment 6 for all site details.

- g. A biological impact report, including a biological assessment concerning endangered or threatened species, for Type 2 and Type 3 conditional use permit requests.

Applicants' Response: Please see the Biological Impact Report included as Attachment 13.

2. Refer to written departmental policies for application specifics;

Applicants' Response: The Applicants acknowledge this requirement.

3. Incomplete applications shall not be processed;

Applicants' Response: The Applicants acknowledge this requirement.

4. Hearing notification maps shall be prepared only by the department.

Applicants' Response: The Applicants acknowledge this requirement.

D. Permit Hearing Procedure Types.

1. Scope: This subsection establishes the specific procedure types for conditional use applications. The applicable permit procedure shall be referenced after each conditional use in this code.
2. Type 1 procedure: Public hearing by the hearing administrator, with a minimum notification area of three hundred feet from the subject property, except that notice shall be expanded to include owners of property within one thousand feet of the subject property if existing zoning of the subject property is RH, GR-1, SR or SR-2.

3. Type 2 procedure: Public hearings by the hearing administrator and board of supervisors, with a minimum notification area of three hundred feet from the subject property, except that notice shall be expanded to include owners of property within one thousand feet of the subject property if existing zoning of the subject property is RH, GR-1, SR or SR-2.
4. Type 3 procedure: Public hearings by the planning and zoning commission and board of supervisors, with a minimum notification area of three hundred feet from the subject property, except that notice shall be expanded to include owners of property within one thousand feet of the subject property if existing zoning of the subject property is RH, GR-1, SR or SR-2.

Applicants' Response: The Applicants acknowledge that a Type III Conditional Use Permit process applies to its request.

E. Public Notice.

1. A minimum of fifteen days prior to a hearing, the planning and development services department shall provide notice by:
 - a. Posting of the subject property to be considered at the hearing; and
 - b. Mailing written notice to all property owners within the applicable notification area;

Applicants' Response: The Applicants acknowledge this notice requirement.

2. Failure of notice: The unintentional failure to give written notice of the unintentional omission of the name of a property owner shall not invalidate an action taken at a hearing.

Applicants' Response: The Applicants acknowledge this requirement.

3. The applicant is responsible for written notice to the United States Fish and Wildlife Service of the pending request. The applicant shall provide staff with written proof of notice to the United States Fish and Wildlife Service at least 15 days prior to the date of the public hearing.

Applicants' Response: The Applicants have provided notice of the application to the US Fish & Wildlife Service. See Attachment 14.

F. Type 1 Permit Hearing.

Applicants' Response: The Applicants understand that the criteria in this section apply to the submitted Type III CUP application per section 18.97.030.H.3.

1. Scope: Within thirty days of proper application, a public hearing shall be held by the hearing administrator on the merits of the application.

Applicants' Response: The Applicants acknowledge the above provision.

2. Public notice: In accordance with Section 18.97.030E.

Applicants' Response: The Applicants acknowledge the above provision.

3. Hearing:

- a. After proper public notice, the administrator shall hold a public hearing on the application, at which all interested parties may appear and shall be heard;

Applicants' Response: The Applicants acknowledge the above provision.

- b. The administrator may continue a public hearing, for a definite time not to exceed three months, on own initiative or at the request of the applicant or affected property owners;

Applicants' Response: The Applicants acknowledge the above provision.

- c. The administrator shall require that the petitioner present information adequate to illustrate that the proposed use meets the following standards:

- 1) It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated,

Applicants' Response: The Applicants have reviewed the Comprehensive plan and note that wireless service does not conflict with the objectives of the plan and actually enhance and further the goals of the plan. The plan goals anticipate significant future population growth and enhanced wireless services and infrastructure will be necessary for accommodating such growth. The plan also addresses the need to diversify and strengthen the economy and the availability of ubiquitous wireless service furthers the economy by increasing the ability for businesses to operate and enables home office and remote work. The plan also discusses the importance of physical infrastructure for connectivity which the facility will directly provide.

- 2) It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, the legal permitted uses of such property,

Applicants' Response: The Applicants note that the installation of a wireless facility is permitted by the code, an allowed use in the subject zone district and subject to this review process. Wireless services drive the economy, keep people connected for business and personal matters, and promote public safety by improving access to emergency services.

- 3) It has adequate accessibility to the county road network,

Applicants' Response: The unstaffed facility has access to the county road network. See Attachment 6, sheets C3 and C4.

- 4) It has sufficient off-street parking and loading facilities, that will be developed in accordance with county engineering standards,

Applicants' Response: The unstaffed facility has sufficient parking.

- 5) It will meet county standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses and other forms of air pollution, liquids and solid wastes,

Applicants' Response: The facility will not cause any of the nuisances noted above.

- 6) Hours of operation will not be detrimental to adjoining residents,

Applicants' Response: This is unstaffed facility, so this provision is not applicable.

- 7) Landscaping will be fully in conformance with zoning code regulations;

Applicants' Response: The facility is disguised as a natural element and the base will be enclosed within a CMU block wall.

- d. The administrator may require that additional information be presented.

Applicants' Response: The Applicants acknowledge this requirement.

4. Decision of the administrator: Approval of a conditional use permit shall be subject to the preliminary development plan and any other reasonable requirements deemed necessary by the administrator. The permit shall not be effective until thirty days after the decision or when all requirements of approval have been satisfied, whichever is later.

Applicants' Response: This provision is not applicable to a Type III CUP Application.

5. Findings: A report on the findings of the administrator and conditions of the permit shall be available for public inspection within five days of the administrator's decision.

Applicants' Response: This provision is not applicable to a Type III CUP Application.

6. Appeals:
 - a. Any appeal to the board of supervisors of the decision or conditions imposed by the administrator shall be filed within thirty days by the applicant or affected property owners;
 - b. A public hearing by the supervisors shall be required in accordance with Section 18.97.030(G).

Applicants' Response: The Applicants acknowledge the above provisions regarding appeals.

- G. Type 2 Permit Hearing.

Applicants' Response: The Applicants project is subject to a Type III Conditional Use Permit hearing process.

1. Scope: As required by the conditions of a use, a public hearing shall be held by the board of supervisors after recommendation from the hearing administrator;
2. Recommendation of the hearing administrator:
 - a. The hearing administrator shall conduct a public hearing in accordance with Type 1 hearing procedures (Section 18.97.030(F)) and thereafter shall prepare a report for the supervisors;
 - b. The report of the administrator shall, at a minimum:

- 1) Classify the request as to its conformance with applicable county land use plans,
 - 2) Analyze the expected impact of the proposed development on the site and surroundings including, but not limited to, the expected impact on endangered and threatened species of plants and animals,
 - 3) Contain a recommendation to the board of supervisors,
 - 4) Include the comments and conditions, if any, of other affected county departments and public agencies,
 - 5) Include comments made at the public hearing;
- c. The report shall be available for public inspection fifteen days prior to the date of supervisor's public hearing;
3. Transmittal: Within thirty days after the public hearing, the planning and development services department shall transmit the report and recommendations of the administrator to the supervisors;
4. Hearing:

Applicants' Response: The Applicants acknowledge the provisions in this section and understand that they apply to a Type III review process.

- a. After proper public notice (refer to Section 18.97.030(E)), the supervisors shall hold a public hearing on the application, at which all interested parties may appear and shall be heard;

Applicants' Response: The Applicants acknowledge the above provision regarding the hearing process.

- b. The supervisors may continue a public hearing, for a definite time not to exceed three months, on own initiative or at the request of the applicant or affected property owners;

Applicants' Response: The Applicants acknowledge the possibility of a continuance so long as the timing of the review complies with the Telecommunications Act of 1996 and shot clock rules.

- c. The supervisors may require that additional information be presented;

Applicants' Response: The Applicants acknowledge the above provision.

5. Decision of the supervisors: Approval of a conditional use permit shall be subject to the preliminary development plan and any other reasonable requirements deemed necessary by the supervisors. The permit shall be effective when all requirements of approval have been satisfied.

H. Type 3 Permit Hearing.

1. Scope: As required by the conditions of a use, a public hearing shall be held by the board of supervisors after recommendation from the planning and zoning commission;

Applicants' Response: The Applicants acknowledge the above provision and understand that the Board of Supervisors will review following a recommendation from the Planning and Zoning Commission.

2. Staff report by the hearing administrator:

- a. The hearing administrator shall prepare for the commission a report that shall, at a minimum:
 - 1) Classify the request as to its conformance with applicable county land use plans,

Applicants' Response: The Applicants have reviewed the Comprehensive plan and note that wireless service does not conflict with the objectives of the plan and actually enhance and further the goals of the plan. The plan goals anticipate significant future population growth and enhanced wireless services and infrastructure will be necessary for accommodating such growth. The plan also addresses the need to diversity and strengthen the economy and the availability of ubiquitous wireless service furthers the economy by increasing the ability for businesses to operate and enables home office and remote work. The plan also discusses the importance of physical infrastructure for connectivity which the facility will directly provide.

- 2) Analyze the expected impact of the proposed development on the site and surroundings including, but not limited to, the expected impact on endangered and threatened species of plants and animals,

Applicants' Response: The facility will have no impact on endangered or threatened species. The Applicants are required to comply with all federal NEPA laws to ensure against any such impacts. No Saguaro or Barrel Cactus will be removed with this project. The General Contractor will be instructed to protect all existing cacti during construction.

- 3) Contain a recommendation to the commission,

Applicants' Response: The Applicants understand this provision.

- 4) Include the comments and conditions, if any, of other affected county departments and public agencies;

Applicants' Response: The Applicants understand this provision.

- b. The report shall be available for public inspection fifteen days prior to the date of the commission public hearing;

Applicants' Response: The Applicants understand this provision.

3. Commission public hearing: The commission shall conduct a public hearing in accordance with Section 18.97.030(F).

Applicants' Response: The Applicants understand this provision.

4. Transmittal: Within thirty days after the public hearing, the planning and development services department shall transmit the report and recommendations of the administrator and the planning and zoning commission to the supervisors, who shall hold a public hearing in accordance with Section 18.97.030(G)(4).

Applicants' Response: The Applicants understand this provision.

5. Decision of the supervisors: In accordance with Section 18.97.030(G)(5).

Applicants' Response: The Applicants understand this provision.

- I. Development Plan. The hearing administrator or the board of supervisors may require the property owner to have an approved development plan in accordance with Chapter 18.71 (Development Plan) as a condition for issuance of the conditional use permit if the hearing administrator or board of supervisors finds that the requirement for a development plan would minimize adverse impacts of the proposed development on property owners entitled to notice of the application for the conditional use permit.

Applicants' Response: The Applicants understand this provision.

J. Time Limits and Time Extensions.

1. Time limit on conditional use approval:

- a. Approval for a conditional use shall expire if a conditional use permit is not obtained within nine months of the date of approval;
- b. A new conditional use permit application is required after the expiration of the initial approval, unless a time extension has been granted;
- c. Appeal from the approval of the use shall suspend the running of the time limit during the period of appeal;

Applicants' Response: The Applicants understand the above provisions regarding the applicable time limits.

2. Extension of approval time limit:

- a. A property owner or the owner's authorized agent may request a single twelve-month time extension for a conditional use approval. A written time extension shall be submitted to the planning division on or before the expiration date of the time limit. A fee equivalent to fifty percent of conditional use permit application shall be paid in accordance with the development services fee schedule.
- b. The planning division shall prepare a report on the conditional use permit time extension request in accordance with Chapter 18.97.
- c. A noticed public hearing by the hearing administrator is required for time extensions except that Type III conditional use permit time extensions must be heard by the board of supervisors. Notice shall be provided in accordance with Section 18.97.030(E).

Applicants' Response: The Applicants understand the above provisions regarding requesting an extension of time.

3. Time limit on conditional use permits:

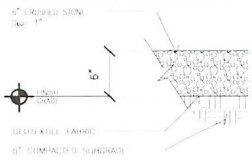
- a. A conditional use permit shall be valid for the duration of the conditional use, provided the use remains in conformance with the terms of approval;

- b. If a conditional use is discontinued for more than twelve months, the permit shall be deemed null and void, and reapplication for a new conditional use permit shall be necessary.

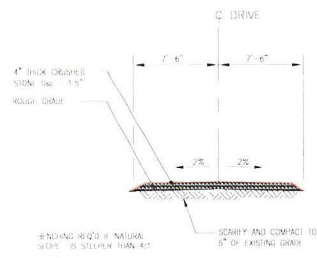
Applicants' Response: The Applicants understand the above provisions regarding the applicable time limits.

Vertical Bridge

Attachment 6
**Zoning Drawings and Site
Plan**



NOTES:
 SURFACE SHALL BE CLEAN AND FREE OF ROCKS, ROOTS AND OTHER OBSTACLES.
 SPREAD AREA UNDER BUILDING & NEW CRUSHED STONE AREA WITH REINFORCING FABRIC OR GEOTEXTILE FABRIC AND 9" CRUSHED STONE.
 SUBSEQUENT SHALL TAKE NECESSARY PRECAUTIONS TO CONTAIN HERBICIDE TO THE INTEND PROJECT AREA.



2 GRAVEL DRIVEWAY DETAIL
 SCALE: N.T.S.

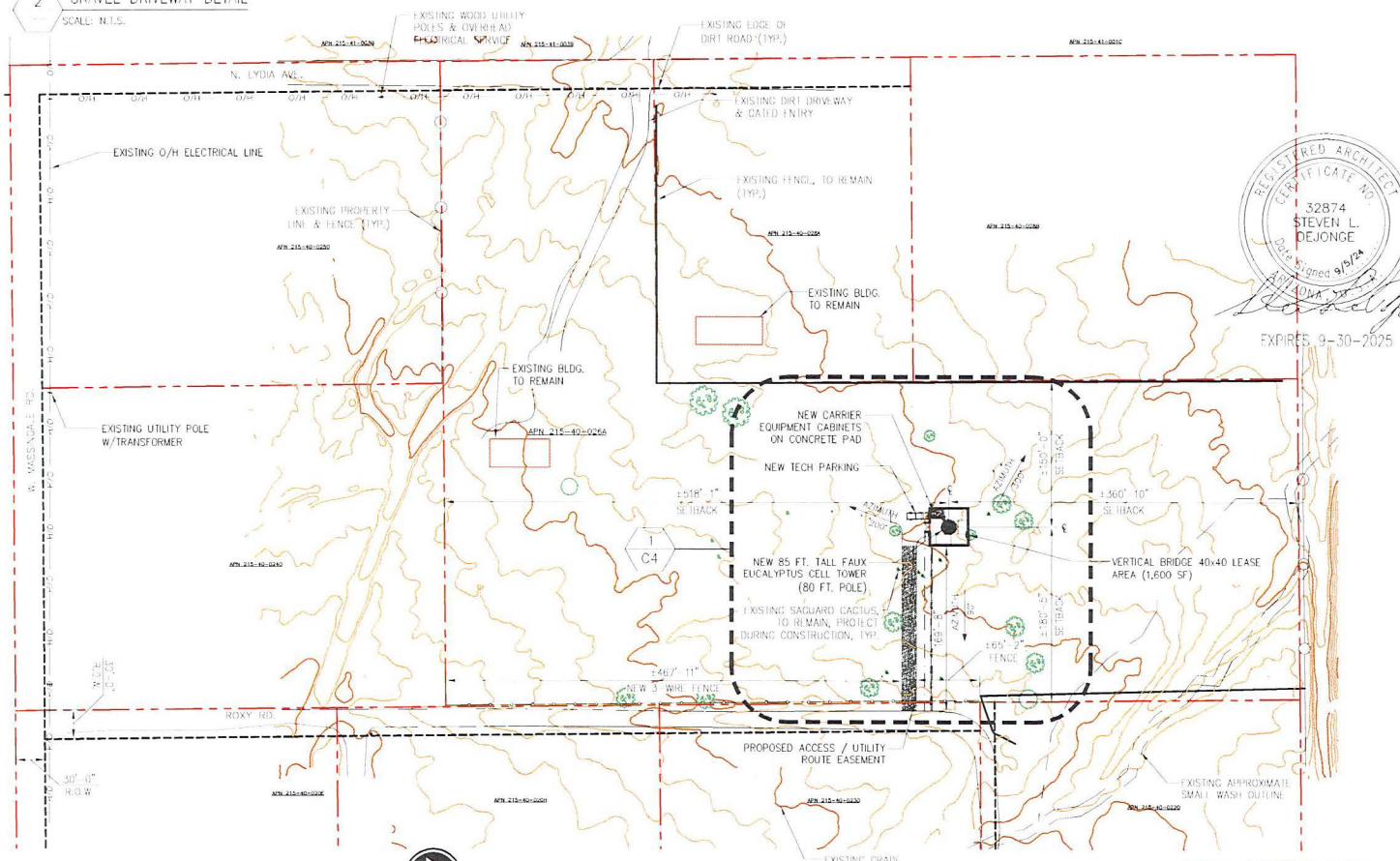
3 GRAVEL COMPOUND DETAIL
 SCALE: N.T.S.

NOTES:
 1. CONTRACTOR TO COORDINATE & PROVIDE PRIVATE LOCATING SERVICE PRIOR TO CONSTRUCTION.
 2. REFERENCE MANUFACTURERS TOWER DRAWINGS ON INSTALLATION.
 3. ALL COAXIAL CABLING TO BE RUN INSIDE POLE.

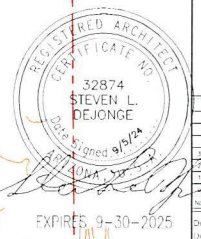
SETBACKS TO PROPERTY LINES
 NORTH 360'-10"±
 SOUTH 518'-1"±
 WEST 150'-0"±
 EAST 180'-5"±
 * SETBACKS ARE ESTIMATED FROM THE ASSESSORS MAPS ON INFORMATION & SURVEY BY WGS, DATED 1/4/2024

LEGEND

- (P) PROPOSED
- (E) EXISTING
- (F) FUTURE
- ⊕ FIRE HYDRANT
- POB POINT OF BEGINNING
- ROW RIGHT OF WAY
- WM WATER METER
- SVLT SEWER VALVE
- EVLT ELECTRIC VALVE
- EP ELECTRIC PANEL
- A.C.E. ACCESS CONTROL EASEMENT
- PROPERTY LINE
- O.H. OVERHEAD ELECTRIC
- S BLUE-STAKED SEWER LINE
- W BLUE-STAKED WATER LINE
- E BLUE-STAKED ELECTRIC LINE
- SPOT ELEVATION
- POSITION OF GEODETIC COORDINATES
- CV GAS VALVE
- PO POWER POLE
- SANITARY SEWER MANHOLE FOUND AS NOTED
- W BLUE-STAKED WATER LINE
- E BLUE-STAKED ELECTRIC LINE



1 OVERALL SITE PLAN
 SCALE: 1" = 80' (11x17)
 SCALE: 1" = 40' (22x34)



Call at least two full working days before you begin excavation.

ARIZONA 811
 Arizona Blue Stake, Inc.

Dial 8-1-1 or 1-800-STAKE-IT (782-5348)
 In Maricopa County: (602) 263-1100

INFORMATION SHOWN BASED ON A FIELD SURVEY BY WGS DATED 1/4/24.

FULL SCALE 1" = 40'
 (22x17 SHEET ONLY)
 40 0 40 80

HALF SCALE 1" = 80'
 (11x17 SHEET ONLY)



3. PERMITS TO EXCAVATE	DATE	9/19/24
7. PERMITS TO EXCAVATE	DATE	9/19/24
1. PERMITS TO EXCAVATE	DATE	9/19/24
CONSTRUCTION PERMITS	DATE	9/19/24
No. Submittal/Revision	Appr.	Date
Drawn	By	Date
Checkered	By	Date

Project Number: 105627065
 Project Title: CHEROKEE PONY
 10510 W. MASSINGHAM RD., TULSA, AZ 85073
 TULSA COUNTY

Engineer Stamp

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Drawing Title: OVERALL SITE PLAN

Drawing Scale: AS NOTED
 Date: 9/19/24

Drawing Number: **C3**

verticalbridge

Clear Blue Services
LANDSCAPE ARCHITECTURE

REGISTERED ARCHITECT
 52874 STEVEN L. DEJONGE
 Exp. 9/30/25

1	Pre-Design	10/15/24
2	Design Development	11/15/24
3	Schematic Design	12/15/24
4	Final Design	1/15/25
5	Construction Documents	2/15/25
6	Site Preparation	3/15/25
7	Construction	4/15/25
8	Final Inspection	5/15/25
9	Final Closeout	6/15/25

Project Number: 11562-27065

Project Title: CHEROKEE PONY
 10510 W. MASSARAH RD.
 TUCSON, AZ 85743
 PIMA COUNTY

Engineer Stamp

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EXPIRES 9-30-2025

EDGE OF EXISTING DIRT ROAD

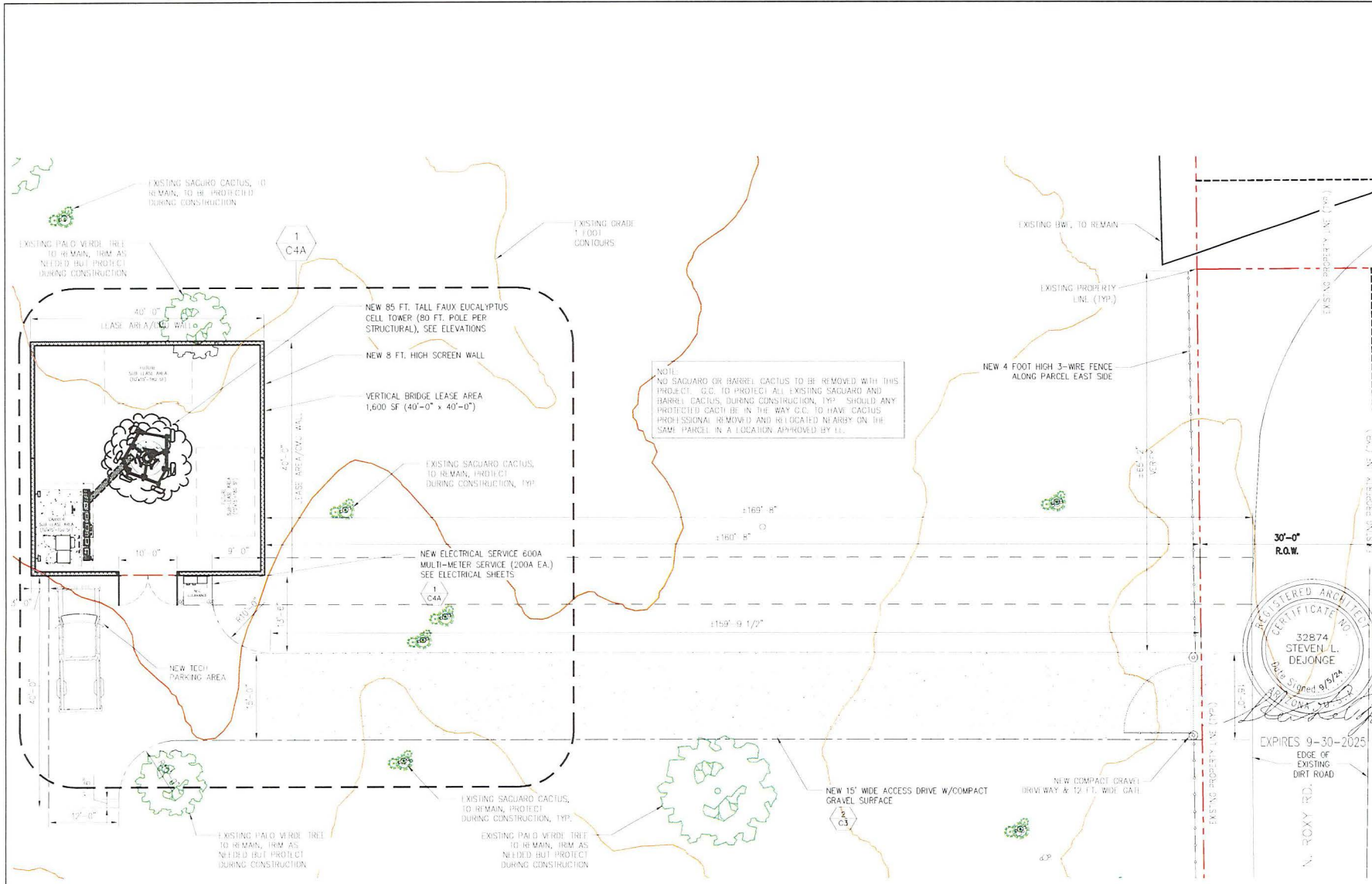
COMPOUND SITE PLAN

Drawing Scale: AS NOTED

Date: 06/05/2024

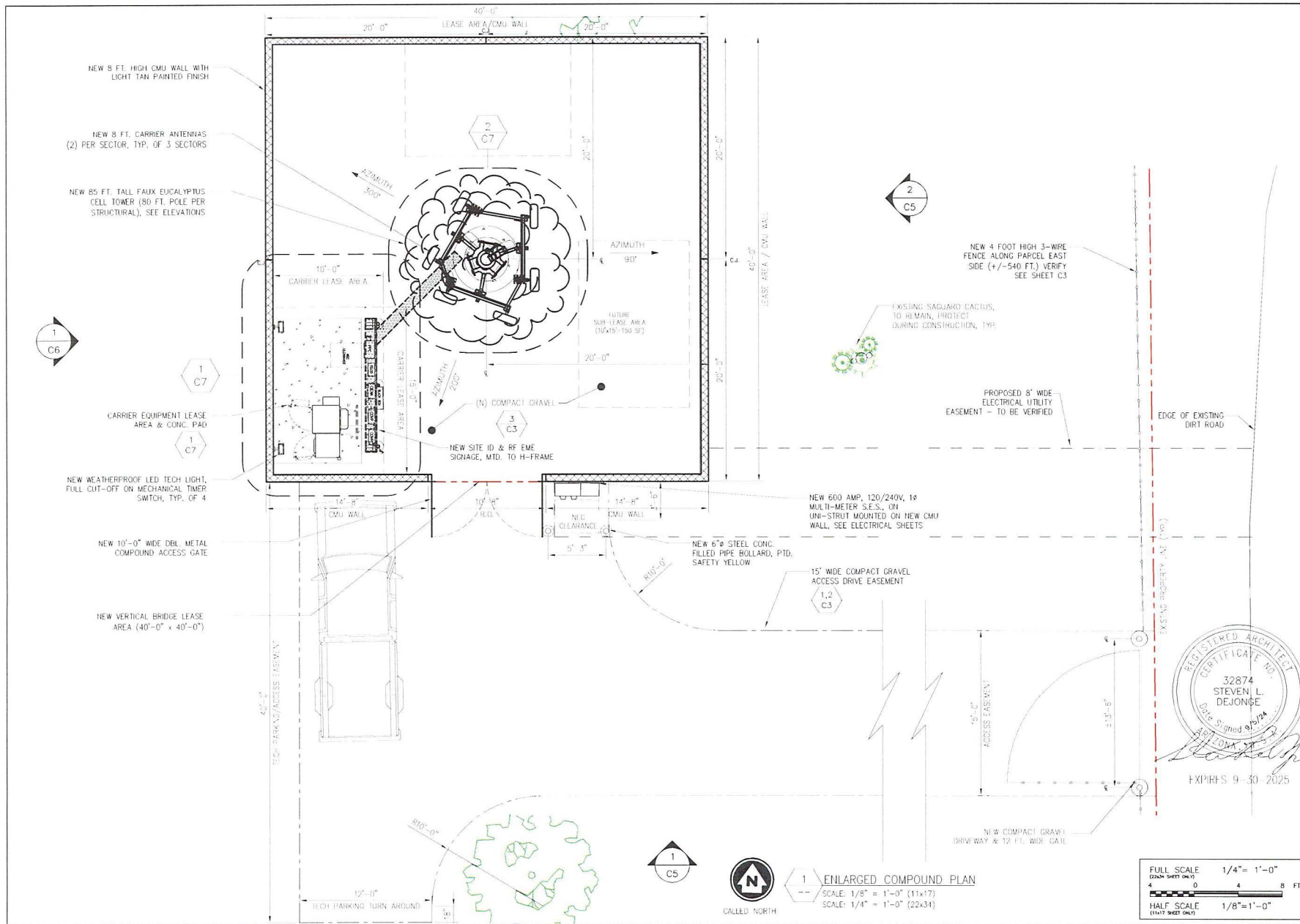
Drawing Number: C4

NOTE:
 NO SAGUARO OR BARREL CACTUS TO BE REMOVED WITH THIS PROJECT. G.C. TO PROTECT ALL EXISTING SAGUARO AND BARREL CACTUS, DURING CONSTRUCTION, TYP. SHOULD ANY PROTECTED CACTI BE IN THE WAY G.C. TO HAVE CACTUS PROFESSIONAL REMOVED AND RELOCATED NEARBY ON THE SAME PARCEL IN A LOCATION APPROVED BY LL.



1 COMPOUND PLAN
 SCALE: 1/16" = 1'-0" (11x17)
 SCALE: 1/8" = 1'-0" (22x34)





verticalbridge

Clear Blue Services
ARCHITECTURE & ENGINEERING

1	DATE: 10/14/2014	BY: JSD
2	DATE: 10/14/2014	BY: JSD
3	DATE: 10/14/2014	BY: JSD
4	DATE: 10/14/2014	BY: JSD
5	DATE: 10/14/2014	BY: JSD
6	DATE: 10/14/2014	BY: JSD
7	DATE: 10/14/2014	BY: JSD
8	DATE: 10/14/2014	BY: JSD
9	DATE: 10/14/2014	BY: JSD
10	DATE: 10/14/2014	BY: JSD
11	DATE: 10/14/2014	BY: JSD
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13	DATE: 10/14/2014	BY: JSD
14	DATE: 10/14/2014	BY: JSD
15	DATE: 10/14/2014	BY: JSD
16	DATE: 10/14/2014	BY: JSD
17	DATE: 10/14/2014	BY: JSD
18	DATE: 10/14/2014	BY: JSD
19	DATE: 10/14/2014	BY: JSD
20	DATE: 10/14/2014	BY: JSD

Project Number: 110107-7016

Project Title: CHEROKEE PONY
 10510 W. MASSINGER RD.
 TUESDAY, AZ 85743
 PIMA COUNTY

Engineer Stamp

REGISTERED ARCHITECT
 CERTIFICATE NO. 32874
 STEVEN L. DEJONGE
 Date Signed 9/17/14
 EXPIRES 9-30-2025

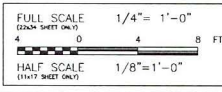
ENLARGED COMPOUND PLAN

Drawing Scale: AS NOTED

Date: 08/05/2014

Drawing Number: **C4A**

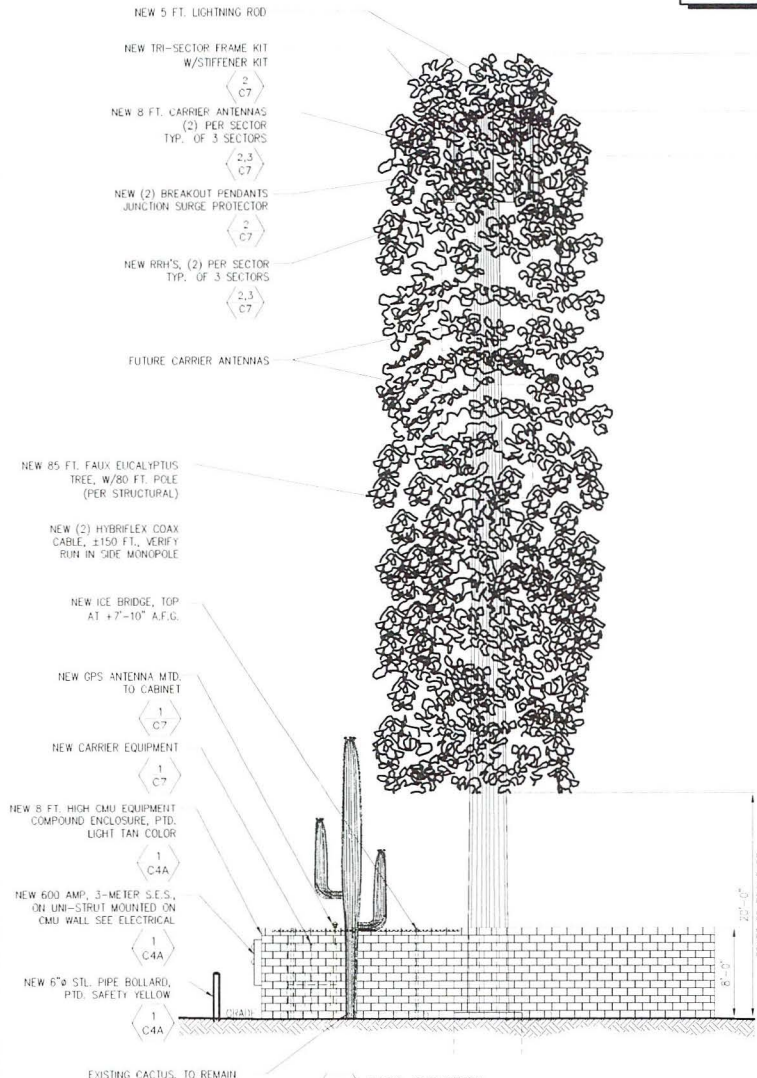
UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND/OR LOCAL LAWS.



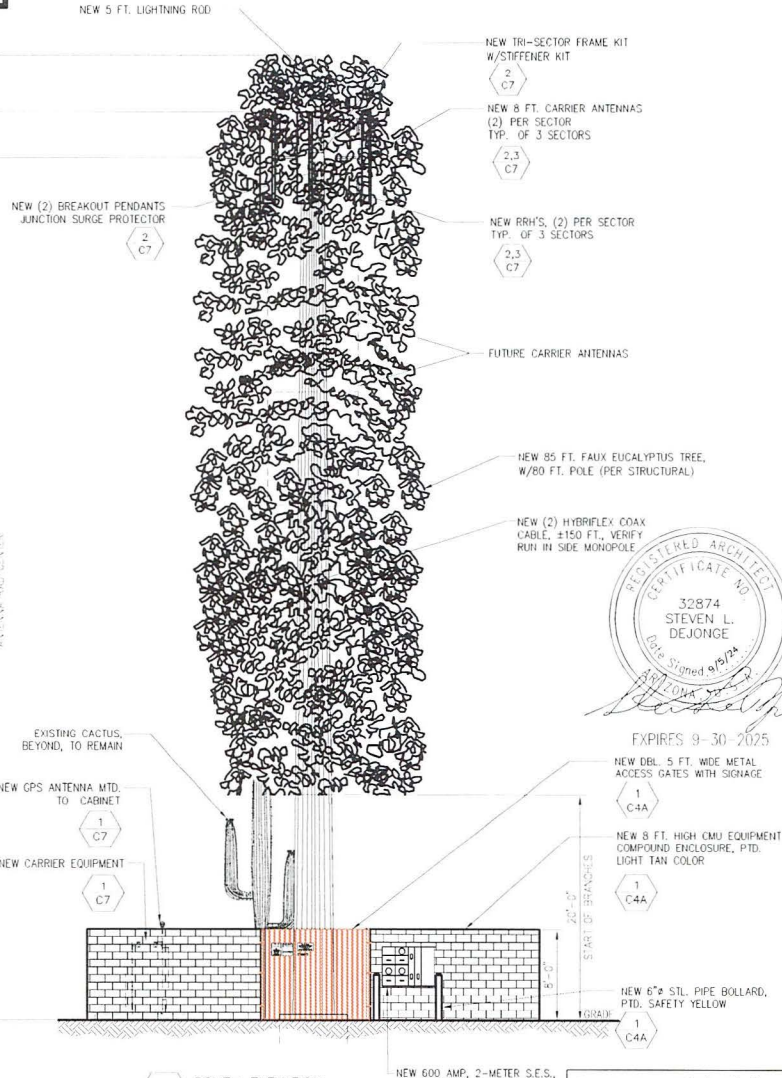
1 ENLARGED COMPOUND PLAN
 SCALE: 1/8" = 1'-0" (11x17)
 SCALE: 1/4" = 1'-0" (22x34)

NOTES:
 1. CONTRACTOR TO COORDINATE & PROVIDE PRIVATE LOCATING SERVICE PRIOR TO CONSTRUCTION.
 2. ALL CABLING TO RUN INSIDE POLE

NOTE:
 STRUCTURAL ANALYSIS REQUIRED



2 EAST ELEVATION
 SCALE: 3/32" = 1'-0" (11x17)
 SCALE: 3/16" = 1'-0" (22x34)



1 SOUTH ELEVATION
 SCALE: 3/32" = 1'-0" (11x17)
 SCALE: 3/16" = 1'-0" (22x34)

NEW 600 AMP, 2-METER S.E.S. ON UNI-STRUT MOUNTED ON CMU WALL SEE ELECTRICAL

1 C4A

NEW 6" Ø STL. PIPE BOLLARD, PTD. SAFETY YELLOW

1 C4A

NEW 8 FT. HIGH CMU EQUIPMENT COMPOUND ENCLOSURE, PTD. LIGHT TAN COLOR

1 C4A

NEW DBL. 5 FT. WIDE METAL ACCESS GATES WITH SIGNAGE

1 C4A

EXPIRES 9-30-2025

REGISTERED ARCHITECT
 32874
 STEVEN L. DEJONGE
 Date Signed 9/8/24

FULL SCALE 3/16" = 1'-0"
 5.3" 0 5.3" 10.6"

HALF SCALE 3/32" = 1'-0"
 11x17 SHEET ONLY

verticalbridge

Clear Blue Services
PROFESSIONAL ENGINEERING & ARCHITECTURE

REGISTERED ARCHITECT
 32874
 STEVEN L. DEJONGE
 Date Signed 9/8/24

Project Title: CHEROKEE PONY
 18510 W. MASSIE ROAD
 TUCSON, AZ 85723
 PIMA COUNTY

Project Number: 1104257668

Project Status: Design Estimate Bid Construction Closeout

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Drawing Title: TOWER ELEVATION

Drawing Scale: ALL NOTED

Plot: 08/05/2024

Drawing Number: C5

NOTES:
 1. CONTRACTOR TO COORDINATE & PROVIDE PRIVATE LOCATING SERVICE PRIOR TO CONSTRUCTION.
 2. ALL CABLING TO RUN INSIDE POLE.

NOTE:
 STRUCTURAL ANALYSIS REQUIRED

verticalbridge

Clear Blue Services
 CONSULTING ENGINEERS ARCHITECTS



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/15/24
2	ISSUED FOR POLE	11/15/24
3	ISSUED FOR PERMIT	11/22/24
4	CONSTRUCTION PERMIT	11/22/24
5	SUBMITTAL	11/22/24

Designer: ZD Date: 11/22/24
 Drafter: SB Date: 11/22/24
 Checker: CR Date: 11/22/24

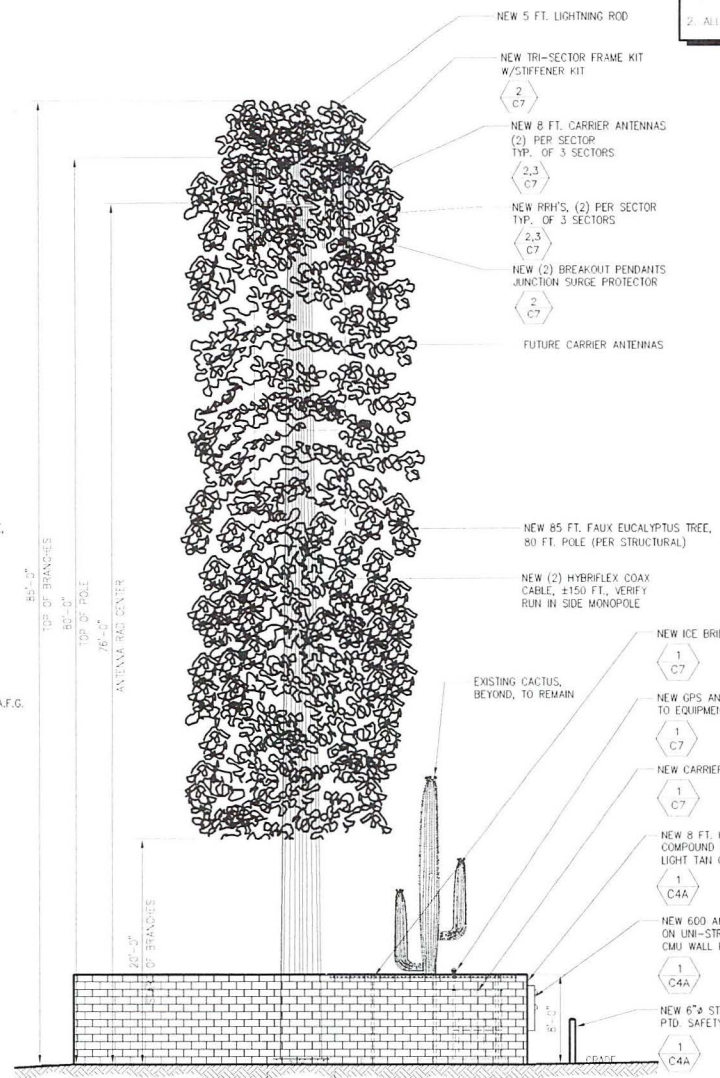
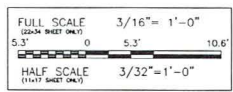
Project Number: 133-AZ-7605
 Project Title:

CHEROKEE PONY
 18510 W. MAISSINUM F RD,
 TULSA, AZ 85743
 TULSA COUNTY

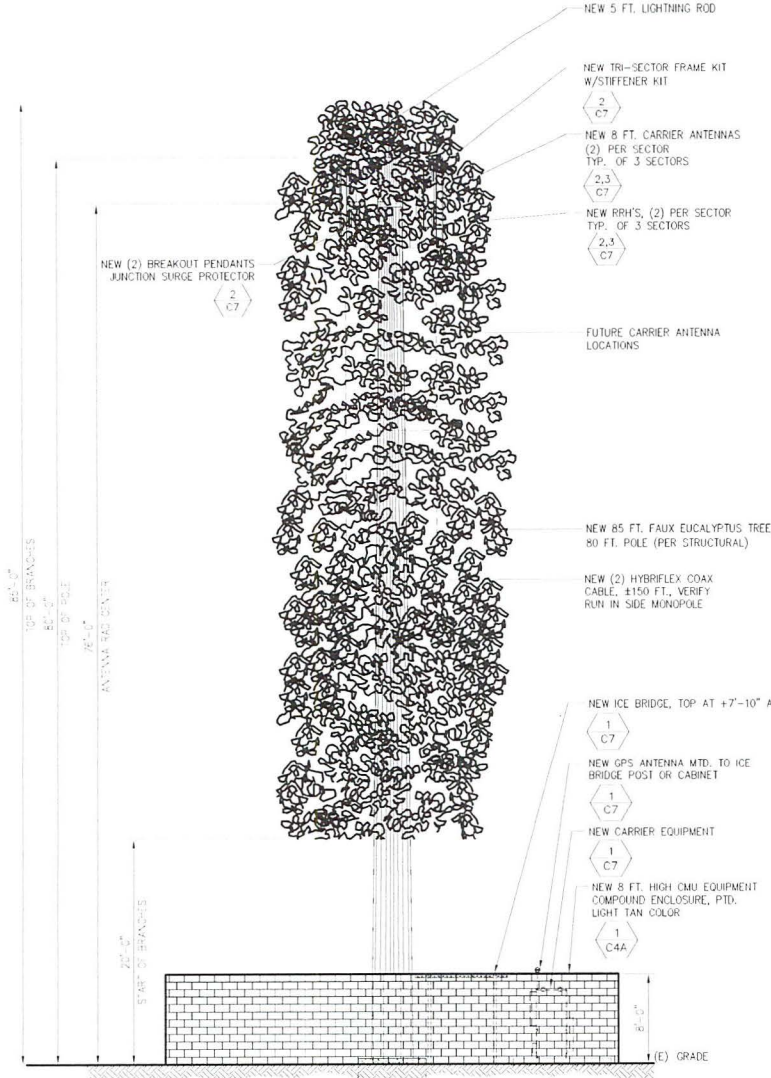
REGISTERED ARCHITECT
 CERTIFICATE NO. 32874
 STEVEN L. DEJONGE
 Date Stated 9/9/24
 EXPIRES 9/30/2025

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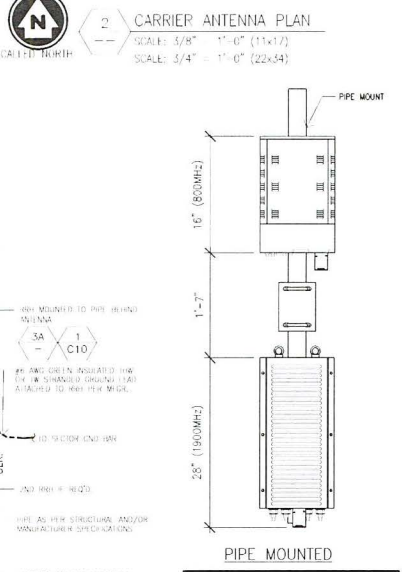
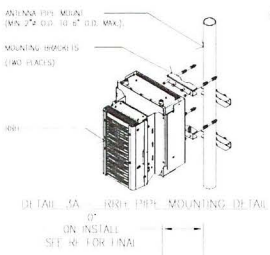
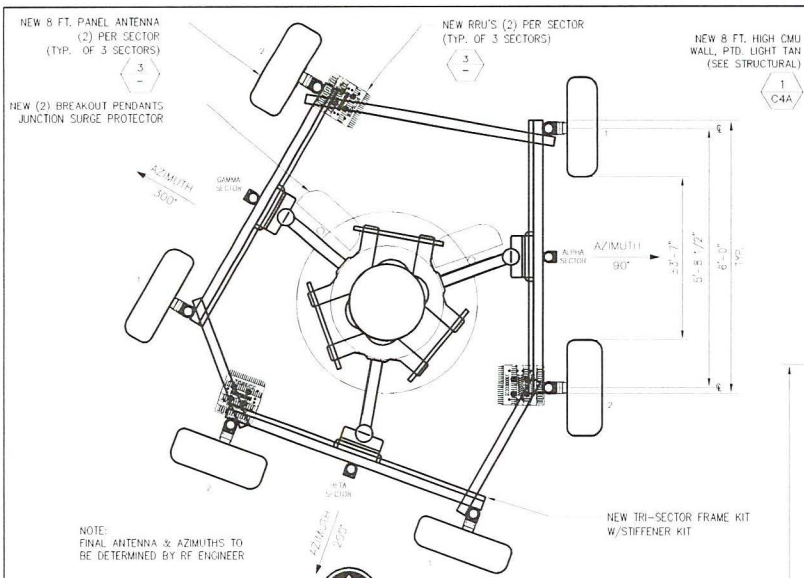
Drawing Title: TOWER ELEVATION
 Drawing Scale: AS NOTED
 Date: 08/02/2024
 Drawing Number: C6



1 WEST ELEVATION
 SCALE: 3/32" = 1'-0" (11x17)
 SCALE: 3/16" = 1'-0" (22x34)

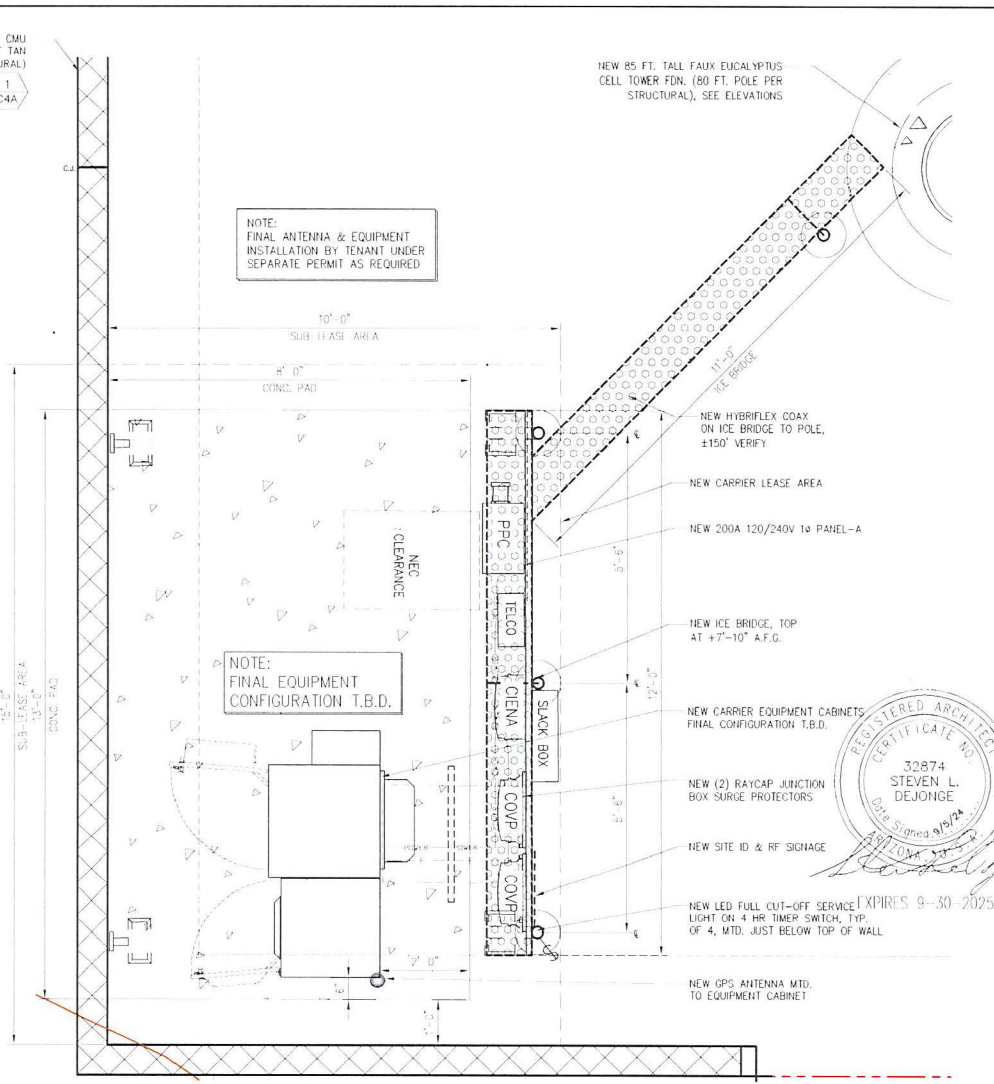


2 NORTH ELEVATION
 SCALE: 3/32" = 1'-0" (11x17)
 SCALE: 3/16" = 1'-0" (22x34)

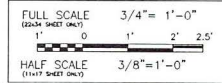


ANTENNA NOTES:
1. INSTALL ANTENNA RISERS SEE SHEET RF-1 OR RF-2 WITH RISES FOR QUANTITY AND HEIGHTS. FINAL DECISION AT TIME OF CONSTRUCTION.

3 TYPICAL ANTENNA & RH MOUNTING DETAIL
SCALE: N.T.S.



1 CARRIER LEASE AREA PLAN
SCALE: 3/8" = 1'-0" (11x17)
SCALE: 5/4" = 1'-0" (22x34)



verticalbridge

Clear Blue Services
PROFESSIONAL ENGINEERING ARCHITECTURE

REGISTERED ARCHITECT
CERTIFICATE NO. 32874
STEVEN L. DEJONGE
Date Signed 9/9/24

1	DESIGN TO LOCK UP	5/2/24
2	DESIGN FOR PERMIT	5/16/24
3	PERMITTING	7/22/24
4	CONSTRUCTION	8/19/24
5	FINAL REVIEW	9/9/24
6	AS-BUILT	

Project Number: 1101027-7816
Project Title: KEROOKE PONY 10510 W. MASSINGALE RD. TUESDAY, AZ 85743 PIMA COUNTY

Engineer Stamp: *Steven L. DeJonge*

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Drawing Title: EQUIPMENT & ANTENNA LAYOUTS

Drawing Scale: AS NOTED

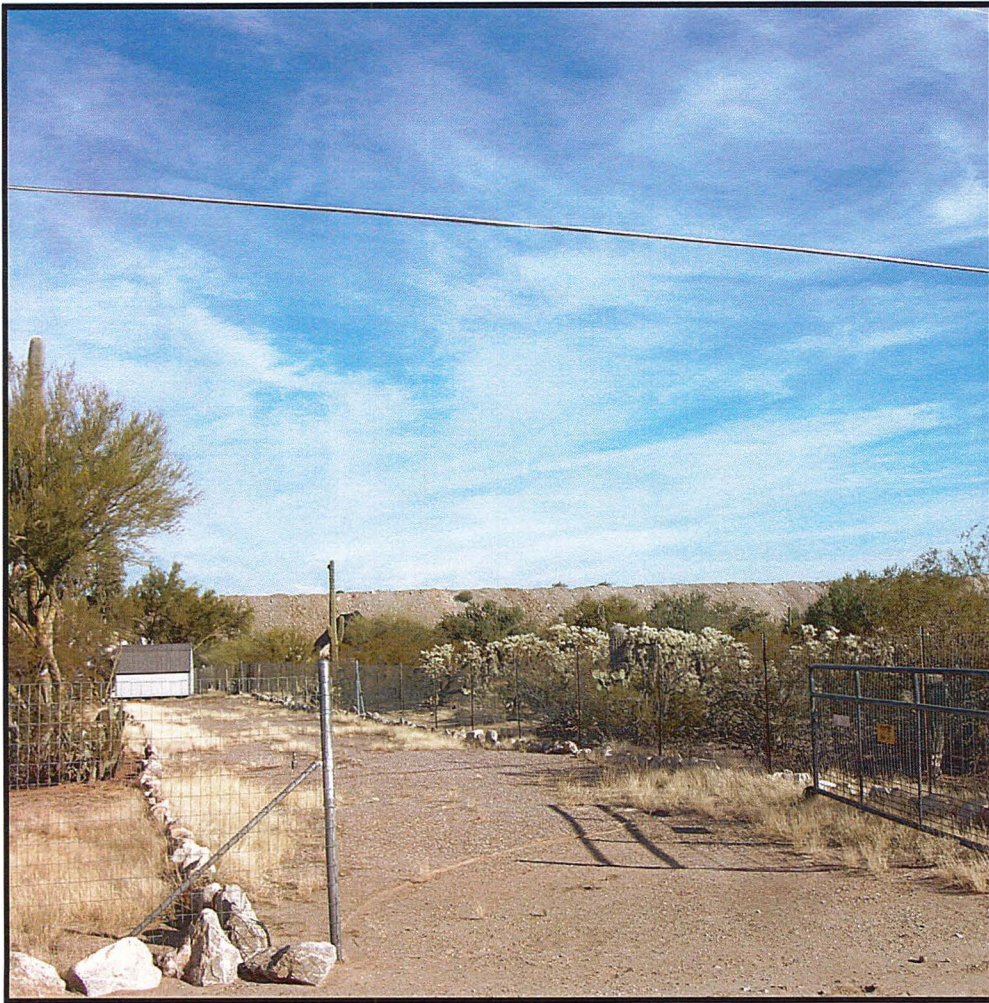
Date: 09/09/2024

Drawing Number: **C7**

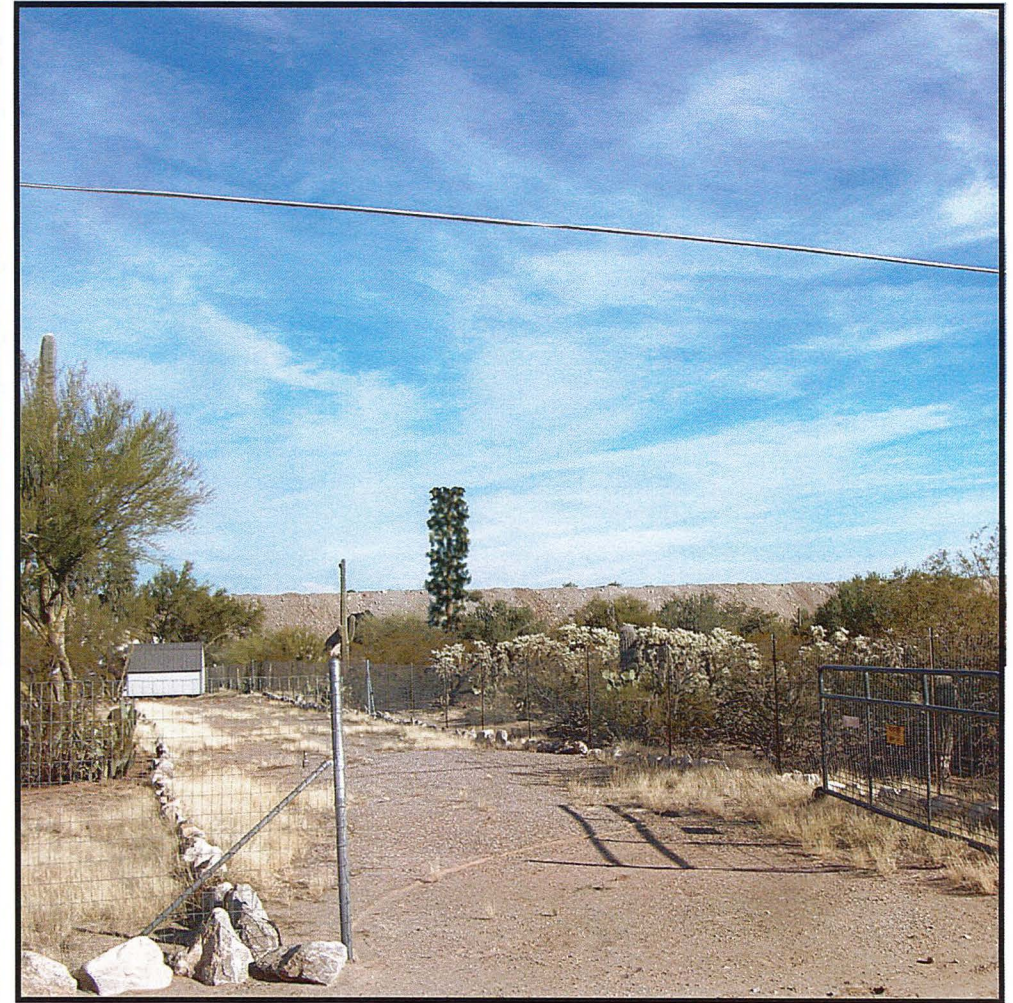
Vertical Bridge

Attachment 7

Photo Simulations



EXISTING



PROPOSED

VIEW LOOKING NORTH

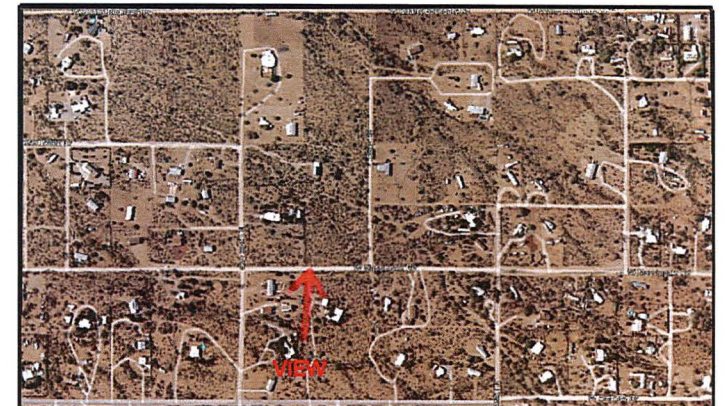
PREPARED FOR:



PREPARED 1/4/2024 BY:



**US-AZ-7065
SITE ID: PH68228B
CHEROKEE PONY
10510 W. MASSINGALE RD.
TUCSON, AZ 85743
PIMA COUNTY**



VIEW ORIENTATION MAP



EXISTING



PROPOSED

VIEW LOOKING SOUTH

PREPARED FOR:



PREPARED 1/4/2024 BY:



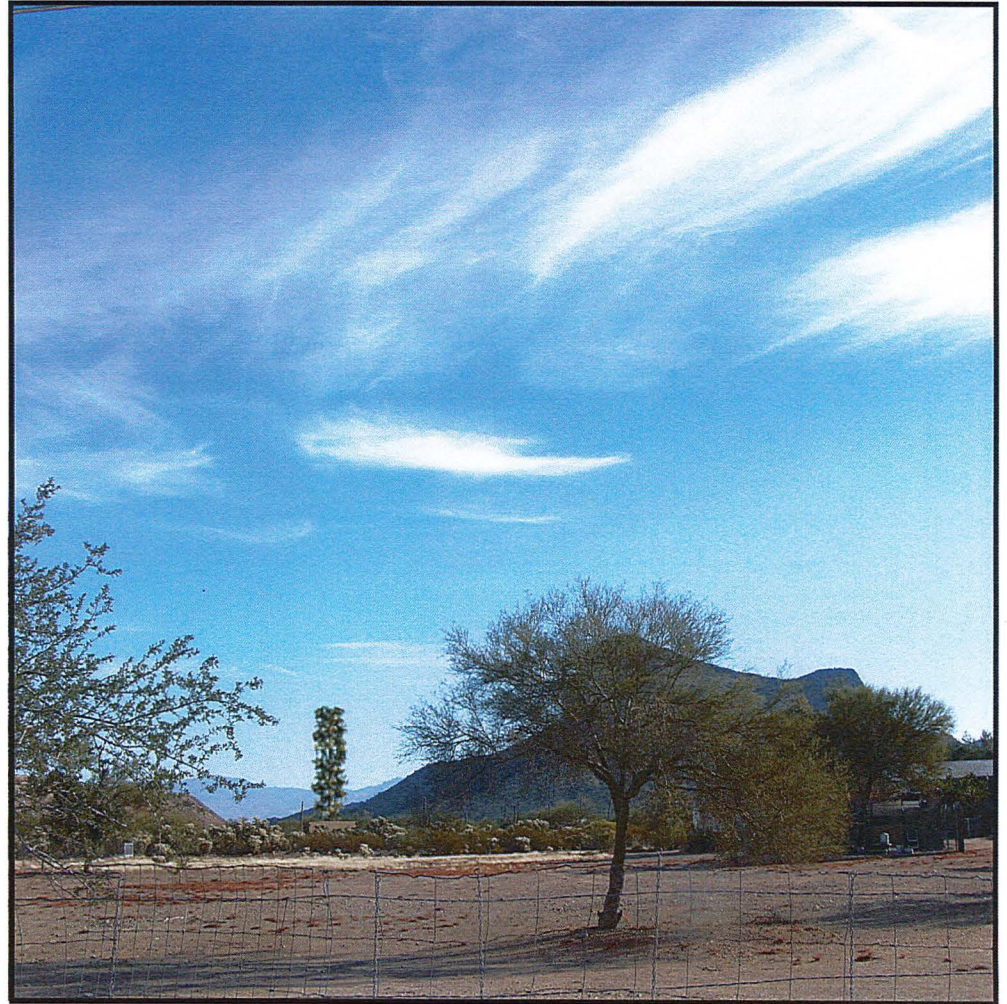
**US-AZ-7065
SITE ID: PH68228B
CHEROKEE PONY
10510 W. MASSINGALE RD.
TUCSON, AZ 85743
PIMA COUNTY**



VIEW ORIENTATION MAP



EXISTING



PROPOSED

PREPARED FOR:

verticalbridge

PREPARED 1/4/2024 BY:

 Clear Blue
Services

VIEW LOOKING EAST

**US-AZ-7065
SITE ID: PH68228B
CHEROKEE PONY
10510 W. MASSINGALE RD.
TUCSON, AZ 85743
PIMA COUNTY**



VIEW ORIENTATION MAP



EXISTING



PROPOSED

PREPARED FOR:

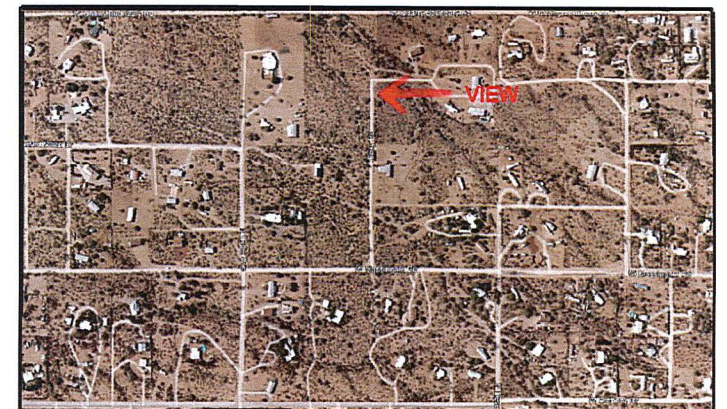


PREPARED 1/4/2024 BY:



VIEW LOOKING WEST

**US-AZ-7065
SITE ID: PH68228B
CHEROKEE PONY
10510 W. MASSINGALE RD.
TUCSON, AZ 85743
PIMA COUNTY**



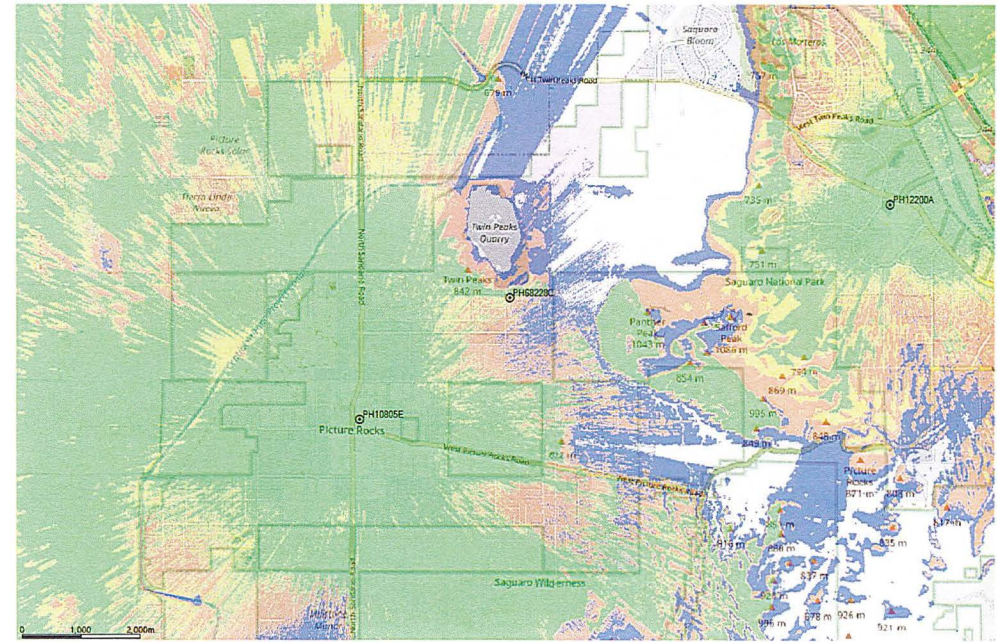
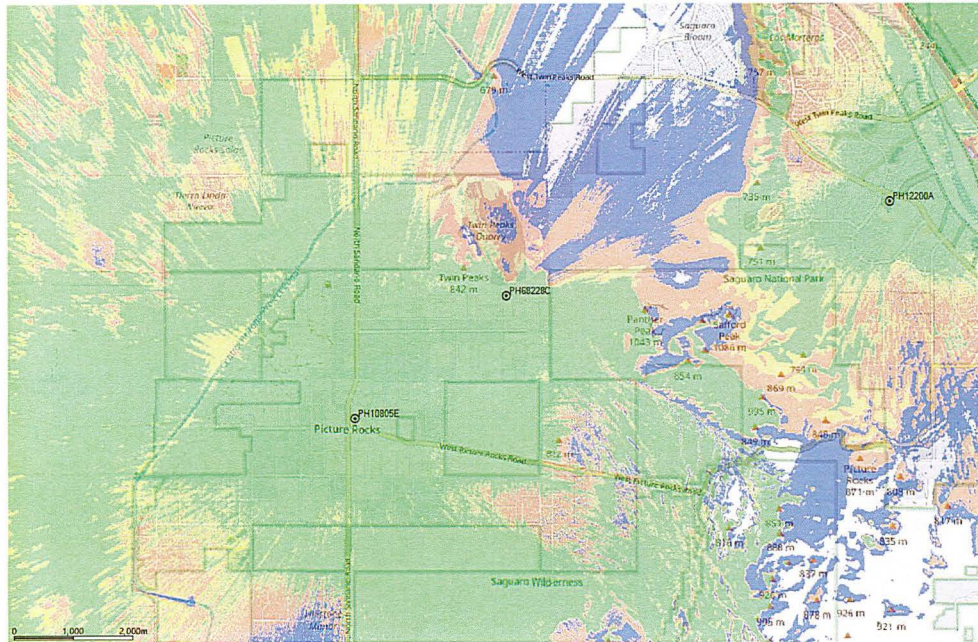
VIEW ORIENTATION MAP

Attachment 8
RF Coverage Propagation
Maps

Highlights in Coverage N25

Planned Coverage with PH68228C

Planned Coverage without PH68228C



Ben Shapiro - SR RF Engineer ADT Desert West

Best RSRP

- IBC: -89dBm < RSRP
- IBR: -94dBm < RSRP < -89dBm
- In-Vehicle: -102dBm < RSRP < -94dBm
- Outdoor: -109dBm < RSRP < -102dBm

Best RSRP

- IBC: -89dBm < RSRP
- IBR: -94dBm < RSRP < -89dBm
- In-Vehicle: -102dBm < RSRP < -94dBm
- Outdoor: -109dBm < RSRP < -102dBm

Attachment 9
FAA Compliance
Documentation



Antenna Structure Registration

[FCC](#) > [WTB](#) > [ASR](#) > [Online Systems](#) > TOWAIR

[FCC Site Map](#)

TOWAIR Determination Results

[? HELP](#)

[New Search](#) [Printable Page](#)

A routine check of the coordinates, heights, and structure type you provided indicates that this structure does not require registration.

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

PASS SLOPE(100:1): NO FAA REQ-RWY MORE THAN 10499 MTRS & 6977.78 MTRS (6.97780 KM) AWAY

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	32-24-12.00N	111-13-22.00W	MARANA RGNL	PIMA MARANA, AZ	612.8	2103.4000000000001

PASS SLOPE(100:1): NO FAA REQ-RWY MORE THAN 10499 MTRS & 6598.92 MTRS (6.59890 KM) AWAY

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	32-24-14.00N	111-12-38.00W	MARANA RGNL	PIMA MARANA, AZ	612.8	2103.4000000000001

Your Specifications

NAD83 Coordinates

Latitude: 32-20-49.8 north
 Longitude: 111-11-21.6 west

Measurements (Meters)

Overall Structure Height (AGL): 25.9
 Support Structure Height (AGL): 24.4
 Site Elevation (AMSL): 682.4

Structure Type

MTOWER - Monopole

Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

ASR Help

[FAQ](#) - [Online Help](#) - [Documentation](#) - [Technical Support](#)

ASR Online Systems

[TOWAIR](#) - [CORES](#) - [ASR Online Filing](#) - [Application Search](#) - [Registration Search](#)

About ASR

[Privacy Statement](#) - [About ASR](#) - [ASR Home](#)

[FCC](#) | [Wireless](#) | [ULS](#) | [CORES](#)

[Help](#) | [Tech Support](#)

Federal Communications Commission
45 L Street NE
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
[Submit Help Request](#)

Attachment 10
FCC Compliance
Documentation



9/6/2024

Development Services
Pima County
201 N Stone Avenue
Tucson, AZ 85701

Re: T-Mobile Site PH68228 – Vertical Bridge
Cherokee Pony US-AZ-7065
10510 W. Massingale Road, Tucson, AZ 85743

To Whom It May Concern:

This correspondence addresses T-Mobile’s proposed wireless communication facility at the site listed above.

This proposed wireless communication facility will comply with all federal standards for potential Radio Frequency Electromagnetic Fields (“RF-EME”) exposure, in accordance with the Telecommunications Act of 1996 and any other requirements imposed by federal regulatory agencies.

The Federal Communications Commission (“FCC”) has established safety guidelines relating to potential RF-EME exposure from radio transmitters. FCC regulations define two separate tiers of exposure limits applying to accessible areas where workers or the general public may be exposed to RF-EME: Occupational/Controlled and General Population/Uncontrolled. The General Population limits are five times more conservative or restrictive than the Occupational limits. *Compare* subsections (b) and (c) of 47 C.F.R. § 1.1310.

T-Mobile’s installation at Cherokee Pony consists of mono-eucalyptus and will operate at the following frequencies:

AHLOB = TX: 728-746 MHz / 617-652 MHz, RX: 698-716 MHz / 663-698 MHz
AHFII = TX: 1930-1995 MHz / 2110-2200 MHz, RX: 1850-1915 MHz / 1710-1780 MHz
AEHC = TX: 2496 - 2690 MHz, RX: 2496 - 2690 MHz

In accordance with the FCC’s OET Bulletin 65, the power density from any sector as designed for the proposed facility will not exceed the FCC maximum permissible exposure limits at any location that is considered accessible by the general population. The power density calculations for each sector of the proposed facility will be well below the maximum FCC general population



exposure level. The proposed facility will not cause collocated facilities to exceed FCC exposure standards.

T-Mobile will provide proper signage as necessary to meet FCC and Occupational Safety and Health Administration regulations.

Accordingly, T-Mobile's operation at Cherokee Pony will comply with FCC regulations regarding potential RF-EME exposure.

Sincerely,

Gurminder Singh

Gurminder Sing

Attachment 11
T-Mobile Letter of Intent

Vertical Bridge

Attachment 12
Regional Flood Control
District Notice