

**P21-15-015**  
**OAK TREE LAND & CATTLE COMPANY**  
**CONDITIONAL USE PERMIT APPLICATION**

**COMPARISON WITH 2011 APPLICATION SUBMITTAL**  
**ALONG STATE HIGHWAY 62 (P21-11-04)**

At their July 29, 2015 hearing, after closing the public hearing and initiating discussion, the Pima County Planning & Zoning Commission discussed the Oak Tree Land & Cattle Company in comparison to a previous application submitted in 2011 which they had recommended be denied. Unfortunately, the Commission had none of the records of that prior case before them when they raised the issue.

This analysis utilizes a key document from both of the two cases, the reports of Jim Portner, the Pima County Hearing Administrator, to the County Planning & Zoning Commission. Mr. Portner himself describes these reports as follows:

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.

In the first two columns, the reports of Mr. Portner are copied verbatim. In the third column (on the right), the applicant has highlighted key differences between the two applications.

As the applicants, we feel that this information would have been significant to the discussion engaged in by the Commission at their hearing.

<p><b>P21-11-014 — ROSEMONT COPPER COMPANY — E. GREATERVILL ROAD — Type III Conditional Use Permit Request for a new Communications Tower</b></p>	<p><b>P21-15-015 — OAK TREE LAND &amp; CATTLE COMPANY, LLC — S. SONOITA HIGHWAY — Type III Conditional Use Permit Request for a One Hundred Thirty-five Foot (135') Tall Communications Tower</b></p>	<p><b>APPLICANT'S COMMENTS</b></p>
<p>1. <i>Amount of compliance with permit requirements.</i> A Type III CUP is required only because the new panel antennae do not meeting the Zoning Code's definition of "flush mounted". For all intents in purposes, this is simply the replacement of an existing antennae array with a new one. The applicant has initiated the required permitting process with the CUP application that is before you.</p>	<p>1. <i>Amount of compliance with permit requirements.</i> A Type III CUP is required because this is a request for a new, free-standing communications tower.</p>	
<p>2. <i>Staff approval or disapproval.</i> Not applicable; the Type III CUP process calls for a recommendation by the Hearing Administrator, a recommendation by the P&amp;Z, and a final decision by the Board of Supervisors.</p>	<p>2. <i>Staff approval or disapproval.</i> Not applicable; the Type III CUP process calls for a recommendation by the Hearing Administrator to the P&amp;Z, then a recommendation by the P&amp;Z to the Board of Supervisors, and then a final decision by the Board. The Hearing Administrator's recommendation has been provided via a separate staff report.</p>	

<p>3. <i>Zoning approval or disapproval.</i> Not applicable; same comment as Item 2 above. This site is zoned IR (Institutional Reserve).</p>	<p>3. <i>Zoning approval or disapproval.</i> Not applicable; same comment as Item 2 above. This site is zoned RH (Rural Homestead).</p>	
<p>4. <i>Other towers in the same zoning classification.</i> This would be the first tower CUP approved in Pima County within the IR zone.</p>	<p>4. <i>Other towers in the same zoning classification.</i> Several other towers have previously been approved in Pima County within the RH zone, including two recent towers in similarly remote/rural areas, these being located in Lukeville, Arizona.</p>	<p>The prior application involved unprecedented zoning. Our application involves zoning similar to prior approvals.</p>
<p>5. <i>Other towers in other zoning classifications.</i> Pima County has previously approved towers in the SH, GR-1, RH, SR, CR-1, and CR-4 residential zones, as well as in the CB-1 and CB-2 business zones.</p>	<p>5. <i>Other towers in other zoning classifications.</i> Pima County has previously approved towers in the SH, GR-1, RH, SR, CR-1, and CR-4 residential zones, in the CB-1 and CB-2 business zones, and in the PI industrial zone.</p>	
<p>6. <i>Amount of neighborhood opposition and whether it is substantial and supported by factual evidence.</i> There has been no neighborhood opposition, either written or verbal, received by staff on this request at the time this Memorandum's preparation.</p>	<p>6. <i>Amount of neighborhood opposition and whether it is substantial and supported by factual evidence.</i> There has been no neighborhood opposition, either written or verbal, received by staff on this request at the time this Memorandum's preparation. In point of fact, the present site was chosen because prior proposed locations (e.g. on Highway 62 west of Highway 83) were controversial due to the closer proximity to residents.</p>	

7. <i>Type of neighborhood opposition.</i> None received to date.
8. <i>Nature of neighborhood opposition, whether aesthetic, etc.</i> Not applicable, per above.
9. <i>Amount, type, and nature of evidence offered by wireless provider.</i> Contained within application packet; additional information may be sought by the Commission at hearing.
10. <i>Expert testimony.</i> None to date.
11. <i>Height of tower.</i> The existing lattice tower is one hundred ninety feet (190') tall.
12. <i>Color of tower.</i> The proposed tower is galvanized metal in color.

7. <i>Type of neighborhood opposition.</i> None received to date.
8. <i>Nature of neighborhood opposition, whether aesthetic, etc.</i> Not applicable, per above.
9. <i>Amount, type, and nature of evidence offered by wireless provider.</i> Contained within application packet; additional information may be sought by the Commission at hearing.
10. <i>Expert testimony.</i> None to date.
11. <i>Height of tower.</i> The height of the proposed monopole tower is one hundred thirty-five feet (135') to its highest point.
12. <i>Color of tower.</i> The tower is proposed as a non-reflective "Stone Mason Gray" color (painted metal).

The prior application proposed a height 65 feet higher than our proposal, taller almost half again (50%) from our proposal. Furthermore, our site is located twenty feet below the Highway, so from the Highway, the visual appearance of our proposed tower is only 115 feet, well below the prior proposal.

13. *Possibilities of camouflage.*  
The applicant asserts that camouflage is not possible due to the sheer height of the tower. The Hearing Administrator agrees and believes that painting the tower some other color will only make it more aesthetically obtrusive.

13. *Possibilities of camouflage.*  
It is the Hearing Administrator's position that camouflaging of the tower through the use of a faux palm, pine tree, or saguaro cactus would be inappropriate due to significant height of the tower and the fact that there are no other such tall trees, palms, etc. in the area. The surroundings are generally rolling grasslands with few significant vertical elements of any kind.

14. *Service coverage issues; such as whether a gap would be created that would impede emergency service.*  
See applicant materials and the Hearing Administrator's staff report. The applicant has submitted before-and-after propagation plots and asserts that same demonstrate an existing gap that is being addressed. The submitted propagation plots were of a small scale, however, and the numeric values in the various categories of the legend were difficult to read. Nonetheless, from the color-coding of the plots, it does appear they demonstrate that there is a significant expansion of the service area surrounding the tower site in the "after" condition, as well as a marked improvement in the quality of the attendant signal.

14. *Service coverage issues; such as whether a gap would be created that would impede emergency service.*  
See applicant "Supplemental Information" materials Items #4, the applicant's existing/proposed coverage maps, and the Hearing Administrator's staff report, wherein the existing and proposed coverage characteristics are discussed. In short, there is clear gap in Verizon coverage in the area. In fact, this gap is true for several other wireless providers as well. The proposed tower is designed to accommodate co-location, and so could potentially serve to also fill the gap for these other providers.]

The prior applicant submitted maps that were difficult for staff to understand. By contrast, our information revealed a regional issue.

<p>15. <i>Alternative sites explored.</i> No information is provided by the applicant as to alternative locations that were examined and/or evaluated.</p>	<p>15. <i>Alternative sites explored.</i> See applicant "Supplemental Information" materials Item #5. Alternative sites were considered and all were rejected for various reasons. There are very limited options on private property in this particular area. Significant federal lands (USFS, BLM, etc.) surround the subject property, but lease negotiations with the federal government are typically cumbersome.</p>	<p>Despite the criteria's expectation regarding alternate site information, the prior applicant provided no information at all. By contrast, we addressed the stated criteria.</p>
<p>16. <i>Possibilities for co-location on an existing tower.</i> See applicant materials, wherein they accurately indicate that no other towers exist anywhere in the entire surrounding region.</p>	<p>16. <i>Possibilities for co-location on an existing tower.</i> See applicant "Supplemental Information" materials Item #6. There is severely limited verticality in the area and no opportunities for co-location.</p>	
<p>17. <i>Possibilities for more, shorter towers.</i> No information is provided by the applicant as to whether a series of more, shorter towers was evaluated.</p>	<p>17. <i>Possibilities for more, shorter towers.</i> See applicant "Supplemental Information" materials Item #7, where it is indicated that a single, tall tower designed to accommodate other co-located carriers is a more efficient way to cover the target highway corridor. Also, it is noted that numerous shorter towers would require a large number of them due to the rolling topography of the coverage area.</p>	<p>Again, the prior application ignored the stated criteria; we addressed them squarely.</p>

<p>18. <i>Provision for tower removal.</i> The applicant indicates that they will gladly comply with whatever local provisions apply for tower removal upon discontinuation of use.</p>	<p>18. <i>Provision for tower removal.</i> See applicant "Supplemental Information" materials Item #8, wherein it is stated that Verizon's agreement with the property owner is for 30 years and that the lease includes provisions for tower removal at the end of the agreement.</p>	
<p>19. <i>Possibilities for this tower serving as a co-location site for other providers.</i> See applicant materials, wherein they indicate that the tower would be structurally sufficient to accommodate several co-locations.</p>	<p>19. <i>Possibilities for this tower serving as a co-location site for other providers.</i> See applicant "Supplemental Information" materials Item #9. The tower has been designed to provide co-location capacity for other wireless carriers.</p>	
<p>20. <i>Time taken to make the decision (by the local zoning authority).</i> This item is before the Commission for the first time at its January 25, 2012 public hearing. Federal law encourages a timely response by the local zoning authority. It is recommended that the Commission vote on their formal recommendation to the Board of Supervisors at the January 25, 2012 meeting.</p>	<p>20. <i>Time taken to make the decision (by the local zoning authority).</i> This item is before the Commission for the first time at its July 29, 2015 public hearing. Federal law encourages a timely response by the local zoning authority. It is recommended that the Commission vote on their formal recommendation to the Board of Supervisors at the July 29, 2015 meeting.</p>	
<p>21. <i>Government contracts with the wireless provider.</i> The applicant provides no information in this regard.</p>	<p>21. <i>Government contracts with the wireless provider.</i> The applicant responds in the affirmative that Verizon has contracts with governmental agencies.</p>	<p>For a third time, the applicant provided no information addressing the stated criteria, and again, we did, and our information was directly responsive to the issue.</p>



# APC Towers

Letters of Support



# SONOITA-ELGIN FIRE DISTRICT



“PROUD PAST STRONG FUTURE”

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20 August 2015

Pima County Board of Supervisors  
130 W. Congress St., 5<sup>th</sup> Floor  
Tucson, AZ 85701

Dear Sirs;

I would like to take a few minutes of your time to voice my thoughts on a proposed cell tower north of HWY 83 and HWY 82 in the Pima County portion of our Fire District. Over the past few years there has been several proposed cell towers and all have been denied. As the Emergency Services Agency responsible for EMS and Fire in this area we struggle to keep up with the twenty-first century. All our counterparts are using in-vehicle computers which allow for real-time patient updates and electronic patient care reports. Because of the lack of cellular connectivity Sonoita still uses paper maps and has no patient updates from the time we leave the station until we see the patient - this can be anywhere from 5 to 25 minutes.

Increasing the cellular coverage over our District, your constituents, is a good thing. Why impede our access to the same technology, the same level of care the rest of Pima County receives simply because we are rural? Whether it is this tower or some other tower that you approve, we'd like to see you put some serious thought into improving the coverage for this portion of Pima County in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph M. De Wolf".

Joseph M. De Wolf, Chief

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**Address:** 3173 Highway 83. P.O. Box 322 Sonoita, AZ 85637 **Phone:** (520) 455 5854 **Fax:** (520)455 5361

**Website:** [www.sefd911.org](http://www.sefd911.org)

**Fire Chief Joseph M. DeWolf**

**From:** Jayme Kahle [mailto:jkahle]  
**Sent:** Wednesday, August 19, 2015 5:27 PM  
**To:** Kevin Dugan  
**Cc:** Chief Joseph De Wolf  
**Subject:** Re: Southern Arizona Communication Facility

Kevin,

It's always great to see that the Verizon network is becoming more robust. Rincon Valley relies upon the Verizon network for its mobile data terminals in our fire engines and medical ambulances to provide routing information and communication with our dispatch center.

Our ambulance response ends a few miles north of there at MP 47. It appears this tower is located within the Sonoita Elgin Fire District. Your contact for that agency is Chief Joe De Wolf and his phone is 520-455-5854. I have cc'd him on this email.

Chief De Wolf would also be better able to answer the communications issue in that area.

Jayme Kahle -Fire Chief

Rincon Valley Fire District

14550 E. Sands Ranch Road- Vail, AZ 85641

520-647-3760

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other members of the Board. Members of the Board may reply to this message, but they should not send a copy of their reply to other members.

On Wed, Aug 19, 2015 at 2:03 PM, Kevin Dugan <kddugant> wrote:

Chief Kahle:

I'm working with APC Tower's in conjunction with Verizon Wireless to obtain approvals from Pima County regarding the installation and operation of a wireless communication facility (135' monopole) to be constructed on the east side of HWY 83, near the intersection of the S.Old Sonoita HWY ( aka HWY 62). Just north of the CBP's check point in the area. (See attached map)

Verizon Wireless RF Engineers have indicated that there are "Gaps" in services along HWY 83 & in the Greaterville area. ( See attached plans of the facility)

I wasn't sure on the area covered by the Rincon Valley Fire District and whether or not the proposed facility would assist you in your operating duties.

How far south along Hwy 83 does your Fire District extend, and do you have communication issues in this area?

Thank you,

Kevin O. Dugan

Commercial Site Acquisition Services

For: APC Towers/Wavelength Management

**From:** Paul Wilson [mailto:Paul.Wilson]  
**Sent:** Monday, August 17, 2015 3:38 PM  
**To:** kdugan  
**Cc:** Joseph L. Decormis  
**Subject:** FW: Southern Arizona Communication Facility

Mr. Dugan,

Thank you for your inquiry.

I reached out to our Rincon District Commander, Lt. DeCormis to inquire about the benefits of this project to our patrol deputies. One of his staff documented coverage problems south of the County line and commented that the proposed site would help to improve service for people living in or recreating in the area that would be beneficial. From a general public safety standpoint, cell phone coverage in rural, heavily travelled areas is always beneficial as it may be the only option for contacting police or fire service officials for assistance.

For more specific information, please contact Lt. Joe DeCormis. He is copied on this message. His office number is (520) 351-6383.

Chief Paul Wilson  
Pima County Sheriff's Department  
Investigations Bureau  
(520) 741-4878

**From:** Kevin Dugan [mailto:kdugan]  
**Sent:** Wednesday, August 12, 2015 2:21 PM  
**To:** 'paul.wilson'  
**Cc:** Paul Wilson <Paul.Wilson>  
**Subject:** Southern Arizona Communication Facility

Chief Wilson:

I'm working with APC Tower Company in conjunction with Verizon Wireless to obtain approvals from Pima County regarding the installation and operation of a wireless communication facility (135' monopole) to be constructed on the east side of HWY 83, near the intersection of the S.Old Sonoita HWY ( aka HWY 62). Just north of the CBP's check point in the area. (See attached map)

Verizon Wireless RF Engineers have indicated that there are "Gaps" in services along HWY 83 and in the Sonoita area north of the Pima County line.

This issue came up in a meeting with the County on whether or not the Sheriff's Office had been contacted about the proposed facility and would it be beneficial to the Officers on patrol to have a multi carrier communication facility in that area that offered voice and high speed data services. ( See attached plans of the facility)

Would this be something to discuss with you, or is there someone else at the Sheriff's office that I could talk to about this Project and potential benefits to the Sheriff's Office?

Thank you,

Kevin O. Dugan  
Commercial Site Acquisition Services  
For: APC Towers/Wavelength Management  
602-531-8002

## Matt Dostal

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**From:** hrymfaxe1@aol.com  
**Sent:** Tuesday, June 23, 2015 9:18 AM  
**To:** Matt Dostal  
**Cc:** kdungan@wavmgt.com  
**Subject:** Re. WCF/Oak Tree Land & Cattle Ranch/Sonoita Arizona

Mr. Dostal and Dungan:

I am contacting you regarding the proposed Communication tower on Oak Tree Land & Cattle Ranch in Sonoita AZ.

I am living in the White Ranch house, bordering HWY 83, 1/4 mile south off mile marker 42. The physical address is 25500 S, Sonoita HWY, Sonoita AZ, 85637. Although I am a member of the Singing Valley North Home Owner's Association, the access to my property is off HWY 83, NOT the Singing Valley North road.

A year back when it first came to my attention that you were looking for an alternative location for the said communication tower, I informed the board members assigned to dealing with you on the issue that I would be very interested in talking to you about possibly placing the tower on the high hill/ridge on the east side of my property which runs parallel with HWY 83. Although I brought it up several times again, I am not sure if my interest was ever communicated to you.

I realize that you might already have entered into a deal with Oak Tree Land & Cattle Ranch but in the event that that is not the case, I wanted to contact you directly, stating my interest and providing another alternative to the location of the tower. Assuming that my location would work, road and site construction appears to be minimal as the highest spot on the hill/ridge can be accessed easily, to the immediate right off my driveway on land that runs relatively flat all along the ridge/barbed wired fence line.

Thank you for the time and consideration. Please feel free to contact me on the numbers and/or email address below.

Sincerely,

Marianne M. Blake  
25500 S. Sonoita HWY  
Sonoita Arizona 85637  
hrymfaxe1@aol.com  
(hm) 520 455 4726  
(cell) 520 444 4424



# APC Towers

## Population Statistics and Traffic Data

## U.S. Census Bureau at Pima County, AZ

### **PIMA COUNTY POPULATION:**

2014 population: 1,004,516

2013 population: 998,050

### **SONOITA, AZ POPULATION:**

2010 population: 818

2000 population: 486

Pima County Info—(<http://quickfacts.census.gov/qfd/states/04/04019.html>)

Sonoita, AZ Info—(<http://censusviewer.com/city/AZ/Sonoita>)

## Traffic Data - ADOT

- Local ID:100897
  - Located on: SR 83
  - Direction:2-WAY
  - Count:1986 (2014)
  - NB Count:978 (2014)
  - SB Count:1007 (2014)
- DAYLE VOLUME COUNT
  - Thu 8/6/2015 - 1,662
  - Wed 8/5/2015 - 1,705
  - Tue 8/4/2015 - 1,804
  - Mon 8/3/2015 - 1,683
  - Sun 8/2/2015 - 2,009
  - Sat 8/1/2015 - 2,354
  - Fri 7/31/2015 - 1,919
  - Thu 7/30/2015 - 1,770
  - Wed 7/29/2015 - 1,733
  - Tue 7/28/2015 - 1,839