



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: October 20, 2015

**Title:** P21-15-015 - Oak Tree Land & Cattle Company LLC - S. Sonoita Hy. - Type III Conditional Use Permit

**Introduction/Background:**

Proposal is to add a new communication tower. The tower is proposed at 135 feet in height.

**Discussion:**

The new tower is proposed on a large rural property. The tower is proposed to setback 650 feet from State Highway 83 (Sonoita Highway).

**Conclusion:**

The new tower will provide coverage in the area.

**Recommendation:**

The Pima County Hearing Administrator recommends approval of the conditional use permit. On motion, the Planning and Zoning Commission voted 4-3 to deny the conditional use permit for the communication tower. The maker of the motion stated the reason for denial was that a similar tower was denied a few years ago in the general area, and that there has not been a change in the area to warrant approval.

**Fiscal Impact:**

None

**Board of Supervisor District:**

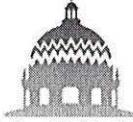
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Department: Pima County Development Services - Planning Telephone: 724-6675

Department Director Signature/Date: *[Signature]* 9/28/2015

Deputy County Administrator Signature/Date: *[Signature]* 10/1/15

for County Administrator Signature/Date: *[Signature]* 10/1/15



**PIMA COUNTY**

DEVELOPMENT SERVICES

**TO:** Honorable Ray Carroll, Supervisor, District #4

**FROM:** Arlan M. Colton, Planning Director

**DATE:** September 28, 2015

**SUBJECT:** P21-15-015 OAK TREE LAND & CATTLE COMPANY LLC– S. SONOITA HY.  
(Conditional Use – Type III – Communication Tower)

The above referenced Conditional Use Permit is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 20, 2015** hearing.

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**REQUEST:** Conditional Use – Communication Tower

**OWNER:** Oak Tree Land & Cattle Company LLC  
3301 N. Freeway Rd.  
Tucson, AZ 85705

**AGENT:** Wavelength Management  
2200 William Fields Rd., Suite 200  
Gilbert, AZ 85295

**DISTRICT:** 4

**STAFF CONTACT:** Tom Drzazgowski

**PUBLIC COMMENT TO DATE** Staff has received no public comment on this case.

**HEARING ADMINISTRATOR RECOMMENDATION:** APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** DENIAL. (4-3, Commissioners Membrilla, Johns & Peabody voting nay; Commissioners Bain, Mangold & Matter being absent.)

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property is located inside the Maeveen Marie Behan Conservation Land System. The property is classified as Important Riparian Area.

CP/TD/ar  
Attachments



## **BOARD OF SUPERVISORS MEMORANDUM**

**Subject:** P21-15-015

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### **FOR OCTOBER 20, 2015 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Arlan M. Colton, Planning Director   
Public Works-Development Services Department-Planning Division

**DATE:** September 28, 2015

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### **ADVERTISED ITEM FOR PUBLIC HEARING**

#### **CONDITIONAL USE PERMIT** **COMMUNICATION TOWER**

**P21-15-015** **OAK TREE LAND & CATTLE CO LLC – S. SONOITA HY.**

Request of Wavelength Management (for APC Towers), on property located at 25725 S. Sonoita Hy. (Taxcode 401-16-001C), in the RH Zone, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. On motion, the Planning and Zoning Commission vote 4-3 to recommend **DENIAL**. (Commissioners Membrilla, Johns & Peabody voting nay; Commissioners Bain, Mangold & Matter being absent.) The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITION**.  
(District 4)

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#### **Planning and Zoning Commission Hearing (July 29, 2015)**

The Planning & Zoning Commission hearing on this case took place on July 29, 2015. At same, the Commission heard the applicant's presentation and queried both the applicant and staff on numerous particular details of the application. No (0) members of the public appeared to speak on the matter.

Issues explored at length by the Commission included: 1) questions as to the tower height, which certain members of the Commission seemed to view as excessive; 2) the particulars of other past tower applications in the general area, some of which were not successful; and 3) the number of local residents who would benefit from the tower versus highway travelers.



# Board of Supervisors Memorandum

P21-15-015

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## FOR BOARD OF SUPERVISORS OCTOBER 20, 2015 PUBLIC HEARING

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Jim Portner, Hearing Administrator

**DATE:** July 15, 2015

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**DOCUMENT:** P21-15-015

### CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING

Request of Wavelength Management (for APC Towers), on property located at 25725 S. Sonoita Highway, in the **RH Zone**, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. (District 4)

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### CASE PARTICULARS

The proposed tower is located approximately 650' east of State Highway 83 (Sonoita Highway), approximately 15 miles south of Interstate 10. More particular, the subject property lies just south of the Sonoita Highway intersection with Singing Valley Road, and just north of its intersection with a remnant spur of Old Sonoita Highway. It is also just north of the Border Patrol check point. The tower site lies within privately held lands that are part of an existing 178-acre ranch operated by Oak Tree Land & Cattle Company. The tower structure would be constructed in proximity to the existing ranch house and the cluster of out buildings on the property. There is a significant amount of public land in the general area (USFS, BLM), together with other private holdings to the south and west of the subject site.

It is a Type III Conditional Use Permit request for a new one hundred thirty-five foot (135') tall monopole **communications tower** and attendant on-the-ground equipment building with security fence. The tower will have an 8' tall panel antennae array at its very top, along with an 8' microwave antennae below the panel array. The tower is also designed to provide capacity for

**STAFF REPORT TO THE BOARD OF SUPERVISORS**

P21-15-015 --- OAK TREE LAND & CATTLE COMPANY, LLC – S. SONOITA HIGHWAY

July 15, 2015

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the co-location of up to two (2) additional wireless carriers. There is no camouflage intended for the proposed tower; the monopole structure is simply proposed to be painted a “Stone Mason Gray” non-reflective color. There is an absence of any tall trees or palms within the surrounding context. This fact, together with the significant height of the proposed structure, would make a faux palm or tree a poor fit. The on-the-ground equipment will be contained within a compound that is surrounded by an 8’ tall cyclone security fence.

**SUMMARY OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING**

The Planning & Zoning Commission hearing on this case took place on July 29, 2015. At same, the Commission heard the applicant’s presentation and queried both the applicant and staff on numerous particular details of the application. No (0) members of the public appeared to speak on the matter.

Issues explored at length by the Commission included: 1) questions as to the tower height, which certain members of the Commission seemed to view as excessive; 2) the particulars of other past tower applications in the general area, some of which were not successful; and 3) the number of local residents who would benefit from the tower versus highway travelers.

**After discussing all of the above and closing the public hearing, the Commission voted 4-3 (motion by Neeley, seconded by Poulos; Commissioners Membrilla, Johns & Peabody voting nay; Commissioners Bain, Mangold & Matter being absent) to recommend DENIAL of this CUP request to the Board of Supervisors.**

**HEARING ADMINISTRATOR’S CONSIDERATIONS**

This request proposes a new one hundred thirty-five foot (135’) monopole tower and attendant on-the-ground equipment fenced compound. The petitioner is not proposing any special camouflage other than simply painting it a “Stone Mason Gray” non-reflective color. While not desirable, the Hearing Administrator finds this approach to be acceptable given the significant height of the structure, thereby making a faux palm or pine tree an impractical option. Furthermore, there are no other palm trees (or other tall trees) in the surrounding area.

**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.

**STAFF REPORT TO THE BOARD OF SUPERVISORS**

P21-15-015 --- OAK TREE LAND & CATTLE COMPANY, LLC – S. SONOITA HIGHWAY

July 15, 2015

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The applicant's submitted propagation plots indicate that the proposed site is currently within an area that is characterized by a signal level of more than -110.0 dBm (this value representing a high noise level and therefore a poor signal strength). With the new tower in place, the projected coverage of the surrounding area is characterized by a signal of better than -90.0 dBm (this value representing low noise level and therefore a strong signal). These before and after plots demonstrate the presence of an existing coverage gap and the "filling" of this same gap with the proposed communications tower.

**Comprehensive Plan Considerations**

The Pima County Comprehensive Plan places the subject property and all surrounding areas in the *Resource Transition -- Public Preserve (RT-PUB)* category, the purpose of which is "to designate private lands with environmentally sensitive characteristics that include wildlife corridors, natural washes, etc." The property is designated as such due to the large volume of federal public lands that typify the surrounding area, including those held by the US Forest Service and the Bureau of Land Management, as well as the presence of the La Cienega National Conservation Area further to the east of Sonoita Highway and the subject property.

These public lands notwithstanding, the proposed communications tower would be located on an established ranch property, in amongst the ranch house and its complex of out buildings. As such, the proposed tower use is not found to be inconsistent with the above *Resource Transition* comprehensive plan designation.

**Zoning and Land Use Considerations**

The subject parcel is zoned Rural Homestead (RH). The surrounding properties are also zoned RH. As mentioned above, there is a substantial amount federal public land in the general vicinity. There are also some other privately-held properties to the west and the south. The area is generally rural, with only a small number of residences scattered over a very large geographic area. The nearest existing residences are located approximately one (1) mile to the south and west of the subject tower site.

**HEARING ADMINISTRATOR'S RECOMMENDATION**

After visiting the subject property and after considering all of the above and reviewing the applicant's submitted materials, the Hearing Administrator found the proposed **new one hundred thirty-five foot (135') communications tower**, with attendant on-the-ground equipment compound, to be an acceptable use on the subject property and within the surrounding context. It is clear that the proposed tower fills an existing gap in wireless coverage.

**STAFF REPORT TO THE BOARD OF SUPERVISORS**

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

Standard Conditions (per the Pima County Zoning Code)

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

Special Conditions

1. The new top height of the tower shall not be more than one hundred thirty-five feet (135').
2. The proposed monopole tower and all antennae mounted on it shall be painted a “Stone Mason Gray” non-reflective color.
3. All associated cabling, etc. necessary to serve the antennae shall be painted the same non-reflective gray color as the tower and antennae.
4. The monopole tower shall be located on the property as shown on the submitted Development Plan (DP); the on-the-ground equipment area compound shall be located and secured as shown on the same DP.

**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 SDGP 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

**STAFF REPORT TO THE BOARD OF SUPERVISORS**

P21-15-015 --- OAK TREE LAND & CATTLE COMPANY, LLC – S. SONOITA HIGHWAY

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The subject site is located within an area designated as **IMPORTANT RIPARIAN AND MULTIPLE USE MANAGEMENT** by the Maeveen Marie Behan Conservation Lands System.

**Biological Impacts Report**

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

**Staff Commentary on Biological Impacts**

The site in question has already been disturbed by past activity of the existing ranch operations. The proposed tower would be located amongst its existing ranch house and complex of out buildings. Vegetation in this impacted area is relatively sparse, with few remaining significant specimens. Minimal disturbance will therefore result from the new/proposed tower and related facilities. It should be noted, however, that there is an unregulated wash on the property in the general area of the proposed tower and the site does have mapped Important Riparian Habitat throughout the property. Important Riparian Habitat can require special approvals and mitigation that could result in delays in the permitting process.

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

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

**Cactus Ferruginous Pygmy Owl.** The subject property is not located within an area that is designated as Proposed Critical Habitat nor Draft Recovery Area.

**Western Burrowing Owl.** The subject property is located outside the Priority Conservation Area (PCA) for the Western Burrowing Owl.

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

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

**STAFF REPORT TO THE BOARD OF SUPERVISORS**

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July 15, 2015

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**DEPT. OF TRANSPORTATION RECOMMENDATION**

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

attachments

cc: Carmine DeBonis, Director, Development Services  
Yves Khawam, Chief Building Official  
Arlan Colton, Planning Official  
Carmine DeBonis, Chief Zoning Inspector  
Oak Tree Land & Cattle Company, LLC, Owner  
Wavelength Management for APC Towers, c/o Kevin Dugan, Applicant

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

**CASE:**                   **P21-15-015**  
**OAK TREE LAND & CATTLE COMPANY, LLC – S. SONOITA HWY.**

**OWNERSHIP:**           Oak Tree Land & Cattle Company, LLC  
3301 N. Freeway Road  
Tucson, AZ 85705

**APPLICANT:**           Wavelength Management for APC Towers (on behalf of Verizon Wireless)  
c/o Kevin Dugan  
2200 Williams Field Road – Suite 200  
Gilbert, AZ 85295

**LOCATION:**           The proposed tower is located approximately 650' east of State Highway 83 (Sonoita Highway), approximately 15 miles south of Interstate 10. More particular, the subject property lies just south of the Sonoita Highway intersection with Singing Valley Road, and just north of its intersection with a remnant spur of Old Sonoita Highway. The tower site lies within privately held lands that are part of an existing 178-acre ranch operated by Oak Tree Land & Cattle Company. The tower structure would be constructed in proximity to the existing ranch house and the cluster of out buildings on the property. There is a significant amount of public land in the general area (USFS, BLM), together with other private holdings to the south and west of the subject site.

**REQUEST:**           This is a Type III Conditional Use Permit request for a new one hundred thirty-five foot (135') tall monopole **communications tower** and attendant on-the-ground equipment building with security fence. The tower will have an 8' tall panel antennae array at its very top, along with an 8' microwave antennae below the panel array. The tower is also designed to provide capacity for the co-location of up to two (2) additional wireless carriers. There is no camouflage intended for the proposed tower; the monopole structure is simply proposed to be painted a "Stone Mason Gray" non-reflective color. There is an absence of any tall trees or palms within the surrounding context. This fact, together with the significant height of the proposed structure, would make a faux palm or tree a poor fit. The on-the-ground equipment will be contained within a compound that is surrounded by an 8' tall cyclone security fence.

**PETITIONER'S STATEMENT REGARDING THE TYPE OF USE PROPOSED**

"Wireless Communication Facility (WCF), consisting of a 135-foot monopole with 2500 SF of fenced ground area. WCF is necessary at this location to fill a "gap" in coverage and provide enhanced reliable wireless service to the area around HWY 83 & 62 in southern Arizona. WCF will provide for collocation."

### **PETITIONER'S STATEMENT REGARDING NEED AND COMPATIBILITY**

"See attached "Supplemental Information" sheet required for communication tower submittal, along with Project Narrative."

The petitioner has provided a complete submittal package, including the aforementioned Project Narrative and the required "Supplemental Information" sheet, together with various supporting materials, coverage/propagation plots, before & after photo simulations and a development/site plan.

### **HEARING ADMINISTRATOR'S CONSIDERATIONS**

This request proposes a new one hundred thirty-five foot (135') monopole tower and attendant on-the-ground equipment fenced compound. The petitioner is not proposing any special camouflage and is intending that the tower simply be painted a "Stone Mason Gray" non-reflective color. While not desirable, the Hearing Administrator finds this approach to be acceptable given the significant height of the structure, thereby making a faux palm or pine tree an impractical option. Furthermore, there are no other palm trees (or other tall trees) in the surrounding area.

### **Wireless Service Coverage and "Gap" Considerations**

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

The applicant's submitted propagation plots indicate that the proposed site is currently within an area that is characterized by a signal level of more than -110.0 dBm (this value representing a high noise level and therefore a poor signal strength). With the new tower in place, the projected coverage of the surrounding area is characterized by a signal of better than -90.0 dBm (this value representing low noise level and therefore a strong signal). These before and after plots demonstrate the presence of an existing coverage gap and the "filling" of this same gap with the proposed communications tower.

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These public lands notwithstanding, the proposed communications tower would be located on an established ranch property, in amongst the ranch house and its complex of out buildings. As such, the proposed tower use is not found to be inconsistent with the above *Resource Transition* comprehensive plan designation.

### **Zoning and Land Use Considerations**

The subject parcel is zoned Rural Homestead (RH). The surrounding properties are also zoned RH. As mentioned above, there is a substantial amount federal public land in the general vicinity. There are also some other privately-held properties to the west and the south. The area is generally rural, with only a small number of residences scattered over a very large geographic area. The nearest existing residences are located approximately one (1) mile to the south and west of the subject tower site.

### **HEARING ADMINISTRATOR'S RECOMMENDATION**

After visiting the subject property and after considering all of the above and reviewing the applicant's submitted materials, the Hearing Administrator finds the proposed **new one hundred thirty-five foot (135') communications tower**, with attendant on-the-ground equipment compound, is an acceptable use on the subject property and within the surrounding context. It is clear that the proposed tower fills an existing gap in wireless coverage.

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

#### **Standard Conditions (per the Pima County Zoning Code)**

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

#### **Special Conditions**

1. The new top height of the tower shall not be more than one hundred thirty-five feet (135').
2. The proposed monopole tower and all antennae mounted on it shall be painted a "Stone Mason Gray" non-reflective color.
3. All associated cabling, etc. necessary to serve the antennae shall be painted the same non-reflective gray color as the tower and antennae.
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### **SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES**

### **Comprehensive Plan Regional Environmental Policies — Conservation Lands System**

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The subject site is located within an area designated **IMPORTANT RIPARIAN AND MULTIPLE USE MANAGEMENT** by the Maeveen Marie Behan Conservation Lands System.

### **Biological Impacts Report**

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

### **Staff Commentary on Biological Impacts**

Staff will review the submittal and provide a separate memo to the Commission. Staff will review for conflict with the Regional Environmental Policies of the 2015 Pima Prosper Comprehensive Plan Update.

The site in question has already been disturbed by past activity of the existing ranch operations. The proposed tower would be located amongst its existing ranch house and complex of out buildings. Vegetation in this impacted area is relatively sparse, with few remaining significant specimens. Minimal disturbance will therefore result from the new/proposed tower and related facilities. It should be noted that there is an unregulated wash on the property in the general area of the proposed tower and the site does have Important Riparian Habitat throughout the property. Important Riparian Habitat can require special approvals and mitigation that could require delays in the permitting process.

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

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

**Cactus Ferruginous Pygmy Owl.** The subject property is not located within an area that is designated as Proposed Critical Habitat nor Draft Recovery Area.

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

#### **DEPT. OF TRANSPORTATION RECOMMENDATION**

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

#### **FLOOD CONTROL DISTRICT**

The Flood Control District has been provided a copy of the plans and may provide comments on the case. Any comments received will be provided to the Commission.

Attachments

cc: Carmine DeBonis, Director, Development Services  
Yves Khawam, Chief Building Official  
Arlan Colton, Planning Official  
Carmine DeBonis, Chief Zoning Inspector  
Oak Tree Land & Cattle Company, LLC, Owner  
Wavelength Management for APC Towers, c/o Kevin Dugan, Applicant



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

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

**CARMINE DeBONIS**  
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:** **P21-15-015 – OAK TREE LAND & CATTLE COMPANY, LLC – S.  
SONOITA HIGHWAY  
Type III Conditional Use Permit Request for a One Hundred Thirty-five  
Foot (135') Tall Communications Tower**

**DATE:** July 14, 2015

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.
2. *Staff approval or disapproval.* Not applicable; the Type III CUP process calls for a recommendation by the Hearing Administrator to the P&Z, then a recommendation by the P&Z to the Board of Supervisors, and then a final decision by the Board. The Hearing Administrator's recommendation has been provided via a separate staff report.
3. *Zoning approval or disapproval.* Not applicable; same comment as Item 2 above. This site is zoned RH (Rural Homestead).

4. *Other towers in the same zoning classification.* 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.
5. *Other towers in other zoning classifications.* Pima County has previously approved towers in the SH, GR-1, RH, SR, CR-1, and CR-4 residential zones, in the CB-1 and CB-2 business zones, and in the PI industrial zone.
6. *Amount of neighborhood opposition and whether it is substantial and supported by factual evidence.* 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.
7. *Type of neighborhood opposition.* None received to date.
8. *Nature of neighborhood opposition, whether aesthetic, etc.* Not applicable, per above.
9. *Amount, type, and nature of evidence offered by wireless provider.* Contained within application packet; additional information may be sought by the Commission at hearing.
10. *Expert testimony.* None to date.
11. *Height of tower.* The height of the proposed monopole tower is one hundred thirty-five feet (135') to its highest point.
12. *Color of tower.* The tower is proposed as a non-reflective "Stone Mason Gray" color (painted metal).
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 "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.

15. *Alternative sites explored.* 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.
16. *Possibilities for co-location on an existing tower.* See applicant “Supplemental Information” materials Item #6. There is severely limited verticality in the area and no opportunities for co-location.
17. *Possibilities for more, shorter towers.* 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.
18. *Provision for tower removal.* 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.
19. *Possibilities for this tower serving as a co-location site for other providers.* See applicant “Supplemental Information” materials Item #9. The tower has been designed to provide co-location capacity for other wireless carriers.
20. *Time taken to make the decision (by the local zoning authority).* 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.
21. *Government contracts with the wireless provider.* The applicant responds in the affirmative that Verizon has contracts with governmental agencies.

# PLANNING AND ZONING COMMISSION

## NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission will hold a hearing on Wednesday, July 29, 2015, at 9:00 a.m. in the Board of Supervisors' Hearing Room, first floor, 130 W. Congress Street, Tucson, Arizona on the following:

P21-15-015 OAK TREE LAND & CATTLE CO LLC - S. SONOITA HY.

Request of Wavelength Management (for APC Towers), on property located at 25725 S. Sonoita Hy. (Taxcode 401-16-001C), in the RH Zone, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. (District 4)

There will be additional cases heard at this hearing.

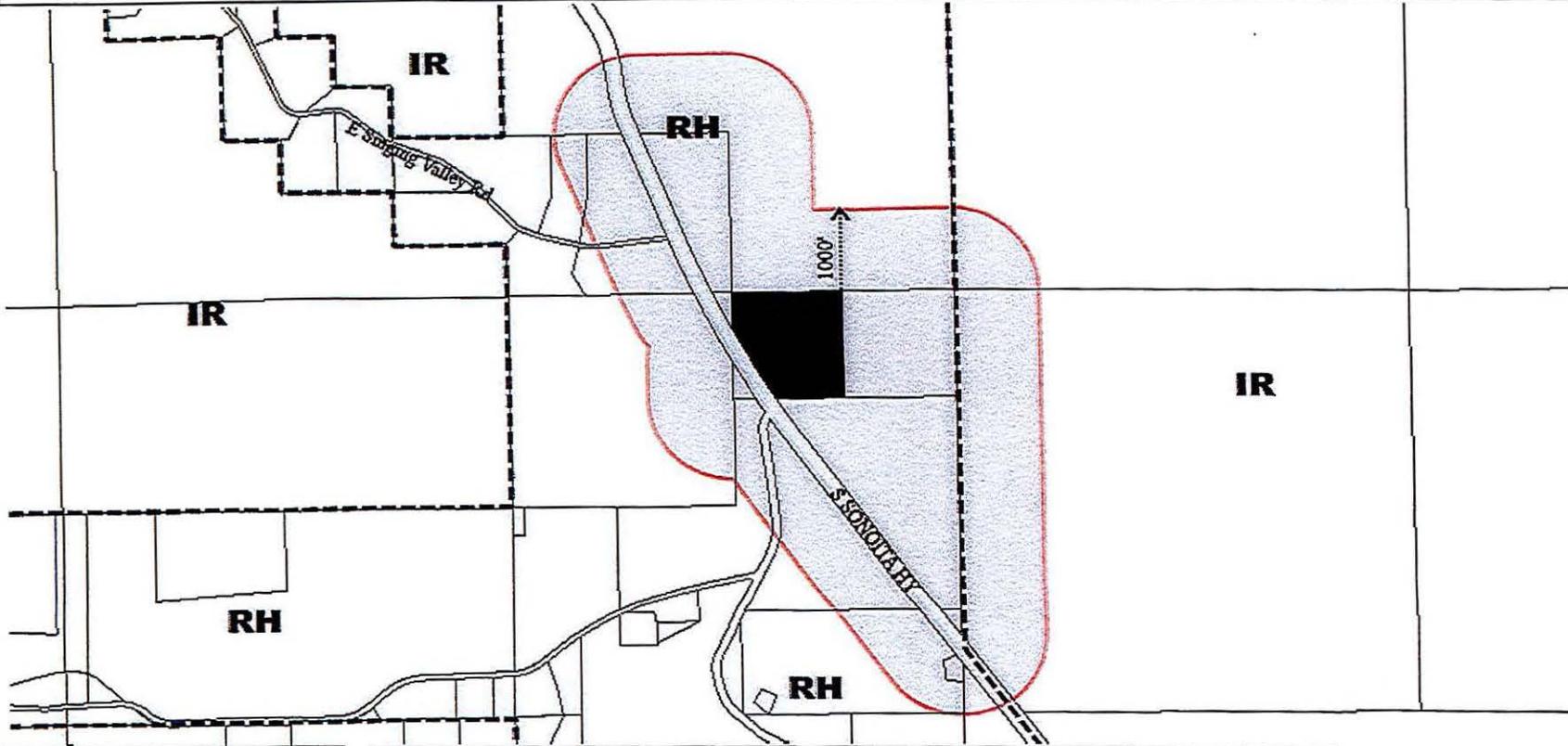
Individuals with disabilities who require accommodations, including auxiliary aids or services, for effective participation and communication in the meeting may call the Planning Division at (520) 724-9000 at least one week prior to the meeting. Our meeting site is wheelchair accessible.

If you have any questions regarding this hearing, you may come to the Zoning Enforcement Division, Public Works Building, 201 N. Stone Avenue, First Floor, Tucson, Arizona, or telephone 724-6675.

Tom Drzazgowski, Deputy Chief Zoning Inspector  
Pima County Development Services Department

# NOTIFICATION MAP

## OAK TREE LAND & CATTLE CO LLC—S. SONOITA HIGHWAY



### LEGEND

- Petition Area
- Notification Area

### NOTES

<b>File no.:</b>	P21-15-015	<b>Tax Code(s):</b>	307-16-001C
<b>Application:</b>	Conditional Use Permit—Type III	<b>Base Map:</b>	EPC, 1272
	 0 2000'	<b>Drafter:</b>	A.H.



6/26/2015



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

**APPLICATION FOR CONDITIONAL USE PERMIT**

OWNER: OAK TREE LAND & CATTLE COMPANY LLC PHONE: 520-888-8489

ADDRESS: 3301 NORTH FREEWAY ROAD CITY: TUCSON ZIP: 85705

APPLICANT (if not owner) WAVELENGTH MANAGEMENT, FOR APC TOWERS (KEVIN DUGAN) PHONE: 480-839-9281

APPLICANT EMAIL ADDRESS: KDUGAN@WAVMGMT.COM

ADDRESS: 2200 WILLIAM FIELDS ROAD #200 CITY: GILBERT, AZ ZIP: 85295

PROPERTY ADDRESS: 25725 S. SONOITA MOUNTAIN VIEW HWY ZONE: RH

TAX CODE(S): 307-16-001C / 307-16-0120 / 307-16-0010 / 307-16-013F / 307-15-0030

TOWNSHIP, RANGE SEC.: 15-19.0-16.0E

LOT DIMENSIONS: IRR LOT AREA: 178AC

TYPE OF USE PROPOSED FOR PROPERTY (BE SPECIFIC) : Wireless Communication Facility (WCF), consisting of a 135 foot monopole with 2500 sq. ft. of fenced ground area. WCF is necessary at this location to fill a "gap" in coverage and provide enhance reliable wireless service to the area around HWY 83 & 62 in southern Arizona. WCF will provide for collocation

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

See attached "Supplement Information" sheet required for communication tower submittal, along with the Project Narrative.

ESTIMATED STARTING DATE: August 2015 ESTIMATED COMPLETION DATE: October 2015

THE FOLLOWING DOCUMENTS ARE REQUIRED:

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

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

    KCh    for APC Zawa      
Signature of Applicant

    6-5-15      
Date

    KEVIN O. DUGAN      
Print Name

    420-839-9281      
Applicant Phone Number

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

Please initial here:     K    

---

**OFFICE USE ONLY**

Case #:     121-15-015     Case Title:     Oak Tree Land + Cattle Co LLC - S. Sonoran H    

Type:     TH     Fee: \_\_\_\_\_ Receipt Number: \_\_\_\_\_ Hearing Date:     7/27/15    

Notification Area:     1000'     Sections: \_\_\_\_\_

Zoning Approval: \_\_\_\_\_

Special Conditions: \_\_\_\_\_

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

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

## APPLICATION FOR CONDITIONAL USE PERMIT

### SUPPLEMENTAL INFORMATION REQUIRED FOR COMMUNICATION TOWER REQUESTS

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

1. Height & color of tower.

The proposed Wireless communication Facility (WCF) will consist of a 135' monopole tower inside of a 2,500 square foot fenced compound. The tower & attachments will be a "Stone Mason-grayish" color and have no reflective qualities.

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

The tower and its use will comply with all FAA, FCC and other applicable regulations.

3. Possibilities of camouflage.

The proposed monopole is not considered camouflaged. Due to the required height of the tower to meet the coverage objectives of the area and no discernible vertical structures to blend into the landscape with and camouflage the site, it was determined that a simple monopole, designed and painted a non reflective color would be the best choice for the area.

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

The selection of this location will allow Verizon Wireless & other carriers to provide enhanced wireless service to an area that has significant gaps in coverage for area residents, commuters, government agencies and emergency services. Included with this submittal are propagation maps which show the "significant gap" in coverage that Verizon Wireless has in area, and will continue to have if the proposed site is not built.

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

Alternative locations have been explored by Verizon Wireless (west of Hwy 83, west on Hwy 62) but the location was controversial could not get all of the required approvals. In further discussions with County staff our direction was shifted and our search area moved to the east side of Hwy 83 away from residential areas.

The only residents on the east side of the HWY near the proposed site would be the Ranch House on Oak Tree Land & Cattle's property.

Existing utility poles in the area would not provide the necessary height to meet the coverage objectives, and in most cases were prohibited from being use as communication sites, as the poles are on lands subject to conservation/scenic easement restrictions.

The proposed location allows the greatest amount of separation from existing residential homes, and is largely surrounded by pasture land owned by the United States of America; USFS & BLM.

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

A review of the area showed no existing vertical structures in the area that could be utilized to meet the coverage objectives and fill the gap in coverage.

An existing windmill on top of a hill behind the Ranch House, on the subject property was considered, but as a central focal point to the Ranch, an increase in the height & size of the windmill to meet coverage & collocation objectives, would have created a larger visual impact to the area than the proposed WCF located in a adjoining pasture down the hill.

7. Possibilities for more, shorter towers.

Due to multiple variations in the topography and limited infrastructure to support WCF's, in the rural area, the "more shorter towers", concept would not allow carriers to meet coverage objectives of the area without the initial installation of a taller tower that would provide backhaul connectivity to an existing site. In this case, an existing communication facility on top of Red Mountain, 20 miles away.

Also, additional shorter towers would need to encroach into residential neighborhoods and still be tall enough to meet coverage objectives and provide a line of sight to connect with other towers for backhaul connectivity in order for the site to provide the latest enhanced wireless services.

The subject site is designed to meet the needs of the area, provide service, and close the "gaps" in coverage that currently exists.

8. Provisions for tower removal.

Current agreement with Oak Tree Land & Cattle Company will span over thirty years, and provide for the proper removal of the site at the end of the agreement.

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

Proposed WCF has been designed to serve as a collocation site and was planned for at least two other carriers.

10. Government contracts with the wireless provider.

Yes.

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Yes.

**LETTER OF AUTHORIZATION**

To: APC Towers  
C/O: Wavelength Management  
2200 E. Williams Field Rd.,#200  
Gilbert, AZ 85295

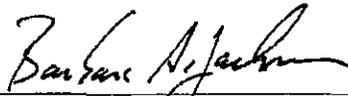
Email: [kdugan@wavimgmt.com](mailto:kdugan@wavimgmt.com)

Attn: Kevin Dugan

Re: Letter of Authorization/Lessor Consent  
TUC Box Canyon (WCF -New Build)  
Facility Address: 25725 S. Sonoita Mountain View Highway-Sonoita, AZ 85637

Permission is hereby granted to APC Towers & Wavelength Management to apply to Pima County for Zoning ( CPU) and all other Governmental approvals required for the for the successful and secure installation & operation of the above-referenced communication facility.

Signature: \_\_\_\_\_



Printed Name: \_\_\_\_\_

BARBARA S. JACKSON

Title: \_\_\_\_\_

member/msm

Date: \_\_\_\_\_

5/19/15

### **ALTERNATIVE SITE REVIEW**

Every effort was made to find a site that complies with the Pima County's Code. The "Search Area" took into consideration the area around and adjacent to the intersection of Hwy 83 and Hwy 62. In the past, Verizon Wireless was unable to obtain permission to locate a WCF on property west of HWY 83 along Hwy 62, so that area was removed from consideration.

In discussions with County Staff, if a site was still needed in the area to provide coverage, it was best to look to the east side of Hwy 83, away from residential areas. With the majority of property on the east side of Hwy 83 owned by the Federal Government and other areas restricted by conservation easements, the clear choice was to locate the proposed WCF on unrestricted fee land at the proposed location.

The proposed site maintains the greatest separation from residential areas while avoiding areas designated under conservation easements to maintain open and scenic corridors. The owners of Oak Tree have met with the holders of the Land Trust easements on their property & the major land owner to the west to review the proposed WCF with them and discussed the decision to allow a WCF on Oak Tree land.

### **DEVELOPMENT SCHEDULE**

The overall development of the site will take place as soon as possible, with construction taking approximately 60 days to complete, with the bulk of the work being accomplished in the first 4 weeks. The work will take place during regular business hours and will require the use of a crane & standard grading equipment. During this time there may be multiple vehicles and laborers performing the work.

After the completion of construction, the site will only require general maintenance (once or twice a month), with limited site visits by field technicians.

### **SUMMARY**

The applicant believes that the characteristics of the site are appropriate and compatible with the proposed use of a wireless communication facility at this location, and will provide a service to the public. The issuance of a Conditional Use Permit approving the proposed installation of a Wireless Communication Facility will not alter the nature of the area in any manner that substantially limits, impairs or precludes the use of surrounding properties for their primary use or uses listed for their respective zoning districts.