

Rosy Millan

From: Sherryl Volpone [REDACTED]
Sent: Wednesday, January 15, 2025 7:26 AM
To: COB_mail
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ATT: Board of Supervisors Board Meeting:
2/4/2025 P24CU00007
10510 W Massingale Rd/ Vertical Bridge Cell Tower Documents
will include 4 parts/emails.

Clerk of the Board,

I am Sherryl Volpone, one of 90 + citizens in Picture Rocks. We oppose Vertical Bridge putting up an 80 ft cell tower in the buffer zone. I am sending these documents that need to be submitted to the Board of Supervisors regarding February 4 2025 BOS meeting.

The case heard by the Zoning Commission was on October 30 2024. It was denied/not recommended. Vertical Bridge wants to continue to the Board of Supervisors.

I spoke with the clerks office and confirmed with such a large amount of information it was best to send to the board of supervisors now. I wanted to give the Board enough time to go through the 100 letters and legal documents to support our case. Please do forward these 4 emails to all 5 Board of Supervisors.

- 4 emails:
- part 1 the brief
- part 2 letters from constituents and other documents
- part 3 two short videos of Roxy Rd/Wash
- part 4 TCA and point list

Thank you

Sherryl Volpone
Rd
85743

10550 W Massingale
Tucson AZ
[REDACTED]

**CLERK'S NOTE:
COPY TO SUPERVISORS
COUNTY ADMINISTRATOR**

DATE 1/15/25 PM
CC: Tom Drzazgowski & Chris Poirier

Rosy Millan

From: Sherryl Volpone [REDACTED]
Sent: Wednesday, January 15, 2025 7:28 AM
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Rd
85743

Tucson AZ 10550 W Massingale
[REDACTED]

Rosy Millan

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10510 W Massingale Rd/Vertical Bridge Cell Tower
P24CU00007
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Thank you
Sherryl Volpone
10550 W Massingale Rd Tucson AZ 85743
[REDACTED]

•

Rosy Millan

From: Sherryl Volpone [REDACTED]
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Thank you
Sherryl Volpone
10550 W Massingale Rd Tucson AZ 85743
[REDACTED]

COUNTY OF PIMA
STATE OF ARIZONA

-----X
In the Matter of the Application of:

VERTICAL BRIDGE, LLC

For Conditional Use Permit

Premises: 10510 W Massingale Road
Tucson, AZ 85743

Case: P24CU00007
Parcel #: 215-40-026A
-----X

MEMORANDUM IN OPPOSITION

Respectfully submitted,

Sherrly Volpone – 10550 W Massingale Rd., Tucson, AZ 85743
Lucas West – 10550 W Massingale Rd., Tucson, AZ 85743
Coi Pappas – 7719 N. Lydia Ave., Tucson, AZ 85743
Connie Pappas – 7719 N. Lydia Ave., Tucson, AZ 85743
Lori Kilgress – 10616 W. Massingale Rd., Tucson, AZ 85743
Monica Thompson – 12478 W. Picture Rocks Rd., Tucson, AZ 85743
Joy Wilson – 10480 W. Anthony Dr., Tucson, AZ 85743
Jay Sharp – 7715 N. Cherokee Pony Trail, Unit 1, Tucson, AZ 85743
Charlie Knagge – 10390 W. Massingale Rd., Tucson, AZ 85743
Julie Jacobs – 10380 W. Masasingale Rd., Tucson, AZ 85743
Fernando Moniz – 10225 W. Massingale Rd., Tucson, AZ 85743
William J. Armstrong – 10481 W. Massingale Rd., Tucson, AZ 85743
Margaret A. Macleish – 10909 W. Anthony Dr., Tucson, AZ 85743
Cathy Curran – 10392 W. Massingale Rd., Tucson, AZ 85743
Johanna Curran – 10392 W. Massingale Rd., Tucson, AZ 85743
Robert Pledge – 10500 W. Anthony Dr., Tucson, AZ 85743
Jean D'Alonzo – 10500 W. Anthony Dr., Tucson, AZ 85743
Robin Nicholson – 10230 W. Massingale Rd., Tucson, AZ 85743
Keith Winans – 10230 W. Massingale Rd., Tucson, AZ 85743
Damon Welch – 10501 W. Anthony Dr., Tucson, AZ 85743
Charlie Galloway – 10660 W. Massingale Rd., Tucson, AZ 85743
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Khya Hnath – 11750 W. Anthony Dr., Tucson, AZ 85743
Joshua Hnath – 11850 W. Anthony Dr., Tucson, AZ 85743
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Jake Avenenti – 10241 W. Anthony Dr., Tucson, AZ 85743
Rhonda Carter – 10455 W. Mars, Tucson, AZ 85743
Mike Carter – 10455 W. Mars, Tucson, AZ 85743
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Sedona Murphy - 10440 W. Massingale Rd., Tucson, AZ 85743
Michael P. McMahon – 10440 W. Massingale Rd., Tucson, AZ 85743
Edward Jakubcik – 10333 W. Massingale Rd., Tucson, AZ 85743
Nicole Lowery – 10720 W. Massingale Rd., Tucson, AZ 85743
Frances Schlack – 10300 W. Anthony Dr., Tucson, AZ 85743
Susan Ybarra – 13156 W. Trail Dust Rd., Tucson, AZ 85743
Sheila S. Dobson – 7606 N. Shaggy Tree Ln., Tucson, AZ 85743
Justin H. Fogel – 7606 N. Shaggy Tree Ln., Tucson, AZ 85743
Angela Pelson – 10450 W. Anthony Dr., Tucson, AZ 85743
Joseph Liardi – 11250 W. Anthony Dr., Tucson, AZ 85743
Jay Maseriant – 11459 W. Anthony Dr., Tucson, AZ 85743
Michael Cenicerros - Tucson, AZ 85743
Amy Skomski – 7750 N. Cherokee Pony Tr., Tucson, AZ 85743
Pat Chacon – 7665 N. Pale Stone Pl, Tucson, AZ 85743
Ahne Flores – 10400 W. Massingale Rd., Tucson, AZ 85743
Rosenda Pelayo – 10667 W. Anthony Dr., Tucson, AZ 85743
Tim Backus – 10390 W. Windchime Dr., Tucson, AZ 85743
Ryan Lipphardt – 10468 W. Massingale Rd., Tucson, AZ 85743
Jessica Lipphardt – 10468 W. Massingale Rd., Tucson, AZ 85743
Ty Lipphardt – 10468 W. Massingale Rd., Tucson, AZ 85743
Richelle Lipphardt – 10468 W. Massingale Rd., Tucson, AZ 85743
Jenny Birmingham – Tucson, AZ 85743
Kelly Taylor – Tucson, AZ 85743
Chuck Taylor – Picture Rocks, AZ
James Reynolds – 10641 W. Massingale Rd., Tucson, AZ 85743
Brad D'Emidio – 5547 Panther Butttest., Marana, AZ 85658
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Elizabeth Wheeler-Hwang – 7590 N. Lydia Ave., Tucson, AZ 85743
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Virginia Marth – 10040 W. Rudasill Rd., Tucson, AZ 85743
Living Desert Allaince – P.O. Box 776, Marana, AZ 85658

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Preliminary Statement

Vertical Bridge, LLC has filed an application with Pima County Development Services Department Planning Division for a Conditional Use Permit and site plan approval to build a Communications Tower at 10510 W. Massingale Rd., Tucson. The proposed tower, an 80-foot Monoecalyptus, would be erected in a GR-1 rural residential neighborhood where the homes and buildings are single story, and the majority of vegetation doesn't rise above the homes' roof lines. This 80-foot, eight story tower would be more than twice the height of the tallest trees and more than five (5) times as tall as the single story homes. It is wholly incongruous with the surrounding area and would loom over the beautiful desert landscape and the neighboring homes, sticking out like the proverbial "sore thumb."

This memorandum in opposition is being submitted by and on behalf of multiple homeowners, noted below, whose homes are situated adjacent to or in close proximity to the site of the proposed Vertical Bridge cell tower.

As set forth below, Vertical Bridge's application should be denied because:

- (a) as proposed, the telecommunications tower does not comply with applicable federal, state and County statutes and regulations;
- (b) granting the application would violate provisions of the Pima County Zoning Code as well as the legislative intent of the Code;
- (c) the applicant has failed to establish that the proposed facility: (i) is actually necessary for the provision of personal wireless services within Pima County or (ii) that it is necessary that the facility be built at the proposed site;
- (d) the irresponsible placement of the proposed facility would inflict upon the nearby homes and community the precise types of adverse impacts which the Zoning Code was enacted to prevent.
- (e) the construction of the tower as proposed constitutes a fire hazard

As such, we respectfully submit that Vertical Bridge's application be denied in a manner consistent with the provisions of the Telecommunications Act of 1996.

As a preliminary matter, when Vertical Bridge held its community meeting, their representative did not make her identity clear – some residents thought she was a County employee. She also gave the impression that the proposed tower was a “done deal” and that neither the County nor adjacent homeowners could do anything about it. Whether these impressions were given deliberately or are the product of poor communication, it would behoove Vertical Bridge to ensure that their presenter's identity is clear and to refrain from making inaccurate statements about the law.

Additionally, an issue which was not addressed in the application is the frequent blasting at the nearby quarry. Residents report cracking of walls, ceilings and foundations in their homes due to the blasting. Homeowners are rightly concerned about the effect that the blasting will have on a wireless facility located very close to the quarry. Obviously, in light of the recurring blasting at the quarry, the proposed location is not appropriate for construction of a cell tower.

POINT I

**Granting Vertical Bridge Permission To Construct
a Wireless Telecommunications Facility at the
Proposed Location Would Violate Both the
Provisions of the Pima County Zoning Code
and The Legislative Intent Thereof**

**A. Local Municipalities Are Authorized by the TCA
to Regulate Telecommunications Facilities**

The proliferation of wireless communications facilities has resulted in the need for

municipalities to pass legislation to regulate their construction. Although many site developers and cellular service providers will argue that the Telecommunications Act of 1996 (TCA) prohibits local governments from regulating telecommunications facilities, this is simply untrue. The TCA, 47 U.S.C. §332(c)(7) specifically *preserves local zoning authority*. Subsection (A) provides for general authority as follows:

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

While subsection (B) forbids a municipality from “unreasonably discriminat[ing] among providers” and from completely “prohibiting the provision of personal wireless services” the fact remains that a municipality may restrict the placement, location, construction, and modification of wireless facilities in their community through zoning regulations. *See, T-Mobile South, LLC v. Roswell*, 135 S.Ct. 808 (2015); *GTE Mobilenet of California Ltd. P’ship v City of Berkley*, 2023 WL 2648197 (D. N.D. CA 2023); *Colfaxnet LLC v City of Colfax*, 2020 WL 6544494 (D. E.D. CA 2020).

“The TCA seeks to strike a balance between its goal of ‘encourage[ing] the rapid deployment of new telecommunications technologies’ without unduly encroaching on traditional local zoning authority.” *New Cingular Wireless PCS LLC d/b/a AT&T Mobility v. Zoning Board of Adjustment of the Borough of North Haledon*, 469 F.Supp.3d 262 (D. N.J. 2020) *citing, T Mobile Ne. LLC v. City of Wilmington, Del.*, 913 F.3d 311 (3d Cir. 2019). “To this end,

it ‘expressly preserves the traditional authority enjoyed by state and local government to regulate land use’ *Id.*, citing, *APT Pittsburgh Ltd. P’ship v. Penn Twp. Butler Cty. of Pa.*, 196 F.3d 469 (3d Cir. 1999); *Extenet Systems, Inc. v. Township of North Bergen, New Jersey*, 2022 WL 1591398 (D.N.J. 2022).

Simply stated, the TCA provides that an application to erect a cell tower can – and should – be treated as a land use issue, to be decided by a municipality in its ordinary course of business, using the same considerations normally employed in a land use case.

Consistent with the intent of this federal law, informed local governments have enacted “Smart Planning Provisions,” which are local land use regulations designed to:

- (a) prevent an *unnecessary proliferation* of wireless facilities while
- (b) preventing, to the greatest extent possible, unnecessary adverse impacts upon residential homes and communities due to the irresponsible placement of wireless facilities.

As set forth below, Vertical Bridge’s application should be denied because granting the application violates not only the *requirements* of the applicable County’s laws and regulations, but their *legislative intent*.

As set forth below, Vertical Bridge’s application should be denied because granting the application would violate both the *requirements* of the Code as well as the *legislative intent* behind those requirements.

As explicitly set forth in §18.01.020 B of the County’s Zoning Code, the Code’s provisions are adopted for the promotion and protection of the public health, peace, safety, comfort, convenience and general welfare of the County’s citizens. In addition, the Guiding Principles of the Code (§18.01.030 A) include the following:

B. Guiding Principles

6. No special favors or privileges shall be granted to any individual or group of property owners and *no permit shall be issued* under the terms of this code *which will or might reasonably tend to destroy the established economic or social uses and values of adjacent or surrounding properties.*

7. On every application of this code to any given area, the relative importance of the interests involved shall be as follows:

a. First, *established conforming uses of adjacent or surrounding properties* having an equal or higher classification;

(emphasis added)

Based on these Guiding Principles, the County clearly intended to place the interests of existing adjacent homeowners above the commercial interests of the cell tower industry. Therefore, Vertical Bridge's application for the proposed tower should be denied.

Furthermore, and specifically addressing telecommunications towers, §18.07.030 H (Land Use Regulations – Communications Towers) clearly states that the purpose of the County's applicable zoning regulations is:

a. To regulate the placement, construction and modification of communications towers and related equipment area in order *to protect the health, safety and welfare of the public...*

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;*

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 building and other structures that define the community identity of rural and residential neighborhoods, and to preserve property values in those neighborhoods;*

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

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;

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

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 area are compatible with surrounding land uses...*

(emphasis added)

The Pima County legislators were very clear in their desire to protect the welfare of County residents, the character, quality and value of neighborhoods, as well as to protect the natural spaces and vistas of the County. Though certainly not prohibited, cell towers must be sited and constructed so as not to infringe on the beauty and unique attributes of communities.

Moreover, “[T]he concept of the public welfare is broad and inclusive.” *Voice Stream PCS v. City of Hillsboro*, 301 F.Supp.2d 1271 (D. Ore. 2004), (quoting *Berman v. Parker*, 348 U.S. 26, (1954). *Vertical Bridge Development, LLP v. Brawley City Council*, 2023 WL 3568069 (S.D. Calif. 2023). A municipality is within its authority to weigh the benefit of merely improving the existing coverage against the negative aesthetic impact the tower would cause. *Id.*

The values represented by the concept of the “public welfare” are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy *Voice Stream, supra.*

A careful examination of the applicable Code provisions can lead to only one conclusion – that Vertical Bridge’s proposed tower cannot possibly comply with either the letter of the law, nor its spirit, and their application should be denied.

C. The Proposed Site Is Not Accessible
To A Publicly Maintained Road

§18.07.030 H (4)(g) requires that “Towers shall be located with access to a publicly maintained road.” The proposed site is *not* accessible by a publicly maintained road. Roxy Road, Lydia Ave., and W. Massingale Road are unpaved, rutted, dirt roads, not maintained by the County or any other municipality. In fact, Roxy Rd. is an easement and therefore not the County’s responsibility to maintain. It’s also particularly susceptible to heavy rains which wash it out, creating deep ruts and trenches, making navigation difficult at best. In fact, during a heavy rain, fast running water runs right toward the proposed site. Not only does the nature of Roxy Rd., Lydia Ave. and W. Massingale Rd. make them unsuitable as the main access roads for a telecommunications tower, as discussed below their condition creates a fire hazard greater than the average cell tower.

D. Letter of Intent

§18.07.030 H (3)(g) requires applicants to “provide evidence in writing that at least one cellular phone provider is committed to locate on the tower.” Although numerous references are made to T-Mobile, Vertical Bridge has not submitted any actual letter from T-Mobile declaring their intent to locate antennae on the proposed tower.

E. Alternative Sites

§18.07.030 H (3)(f) requires an applicant to submit details about alternative sites. Although Vertical Bridge submitted information about twenty (20) other sites, their documentation is sorely lacking. Thirteen (13) of the prospects are listed as “no reply,” yet no further information is provided regarding what efforts were made to follow up with these sites. How many letters were sent? How were they addressed and what was the return address? Did

it look like junk mail which most people would throw away? How many times did someone from Vertical Bridge try to call the homeowner? Did anyone attempt to make any in-person contact? What was the size of the search ring?

Of the 20 alternative sites, one is the proposed site. One site is owned by the United States government. What efforts were made to follow up with the government? The quarry was initially interested in entering into a lease, but “they decided not to lease” their site. No further details were provided.

The Picture Rocks Fire District is not listed as an alternative site and is only 1.7 miles from the proposed site. It should be well within the search ring and would be a much more acceptable site where T-Mobile could collocate their antennae. Yet it’s not even listed among the alternative sites.

F. Applicant Has Failed To Submit Proper Photo Simulations

Code §18.07.030 H (3)(c) requires an applicant to submit photo simulations depicting the site – with and without the tower – together with the surrounding area. Vertical Bridge submitted a few photos, none of which indicate exactly where they were taken or the distance the photographer was from the tower. They only indicate the compass direction of the photo. These photos are little more than useless. None of them was taken from the perspective of the neighboring homes.

Vertical Bridge’s photo simulations are patently defective and should be disregarded entirely. In a hollow effort to induce the County to believe that the installation of the proposed wireless facility *would not* inflict a severe adverse aesthetic impact upon the adjacent homes,

Vertical Bridge has failed to submit any meaningful or accurate visual impact analysis. The photo simulations are inherently defective because they do not serve the purpose for which they have purportedly been offered.

The whole purpose for which local governments require photo simulations of a proposed wireless facility is to require applicants to provide the reviewing authority with a clear visual image of the *actual* aesthetic impacts that a proposed installation will inflict upon the nearby homes and residential community. Not surprisingly, applicants often seek – disingenuously – to minimize the visual impact depictions by *deliberately omitting* from any such photo simulations, any images actually taken from the nearby homes which would sustain the most severe adverse aesthetic impacts.

In *Omnipoint Communications Inc. v. The City of White Plains*, 430 F3d 529 (2nd Cir. 2005), the United States Court of Appeals for the Second Circuit explicitly ruled that where a proponent of a wireless facility presents visual impact depictions which “omit” any images from the actual perspectives of the homes which are in closest proximity to the proposed installation, such presentations are inherently defective and should be disregarded. The federal court explicitly stated that “the Board was free to discount Omnipoint’s study because it was conducted in a defective manner. . . *the observation points were limited to locations accessible to the public roads, and no observations were made from the residents’ backyards much less from their second story windows*” *Id.*

Vertical Bridge’s has failed to submit a meaningful visual impact analysis. They have not included a single image taken from *any* of those nearby homes which will sustain the most severe adverse aesthetic impacts from the installation of the wireless facility.

There is a complete absence of any photographic images taken from any of the homes belonging to the homeowners whose adverse aesthetic impact letters are collectively annexed hereto as **Exhibit “A”** (see below). Instead, it is unclear where the photos were taken from, the distance the tower would be, and the photos are from perspectives selected to minimize the appearance of the adverse aesthetic impact. They in no way accurately depict the images those homeowners will see, each and every time they look out their bedroom, kitchen, or living room windows, or sit in their backyards.

This is the exact type of “presentation” which the federal court explicitly ruled to be defective in *Omnipoint*. As such, in accord with the federal court’s holding in *Omnipoint*, Vertical Bridge’s photo simulations should be recognized as inherently defective and disregarded in their entirety.

G. Camouflage Style

Pursuant to §18.07.030 H (2)(d)(1) the design of the cell tower should mimic “surrounding existing vegetation....” Native plants are required to be used in the Buffer Zone.

This 8 story tower will purportedly use stealth technology to be disguised as a “monoecalyptus” but no one will be fooled. This “tree” will be enormous in comparison to the few nearby trees and other low vegetation, will clearly be artificial, and will not blend in with the other vegetation. It’s impossible to camouflage such an eyesore, no matter how vigorously Vertical Bridge claims it will blend into the surroundings. Instead, it will tower over the nearby homes and will forever change the unique character of the community. The proposed tower will *not* be compatible with the nearby properties, resulting in a severe negative aesthetic impact together with a substantial decrease in property values.

POINT II

Vertical Bridge's Irresponsible Placement of Its Proposed Wireless Facility Will Inflict Substantial Adverse Impacts Upon the Aesthetics and Character of the Area

The adjacent and nearby residents are not against all wireless communications towers, just those that are irresponsibly sited, such as Vertical Bridge's proposed tower.

A local government may reject an application for construction of a wireless service facility even in an under-served area without thereby prohibiting personal wireless services if the service gap can be closed by less intrusive means. *Sprint Spectrum L.P. v. Willoth*, 176 F.3d 630, 643 (2d Cir. 1999) citing *Town of Amherst v. Omnipoint Communications*, 173 F.3d 9 (1st Cir. 1999).

A Planning Board "is entitled to make an aesthetic judgment as long as the judgment is 'grounded in the specifics of the case....'" *New Cingular Wireless PCS, LLC v County of Marin, California*, 2021 WL 5407509, citing *Voice Stream PCS I v City of Hillsboro*, 301 F Supp 2d 1251, (D. Or. 2004).

A. The Proposed Telecommunications Tower Will Inflict Substantial Adverse Impacts Upon the Aesthetics and Character of the Area

It is beyond argument that the irresponsible placement of Vertical Bridge's proposed 80-foot tower will dominate the skyline and inflict substantial adverse aesthetic impacts upon the nearby single story homes.

Federal courts around the country, including the United States Court of Appeals for the Second Circuit, have held that significant or unnecessary adverse aesthetic impacts are proper legal grounds upon which a local government may deny a zoning application seeking approval for constructing a wireless telecommunication facility. *See Omnipoint Communications Inc., supra; T-Mobile Northeast LLC v. The Town of Islip*, 893 F.Supp.2d 338 (2012); *Crown Castle NGE, Inc. v. Town of Greenburgh, N.Y.*, 552 F. App'x 47, 50 (2d Cir. 2014).

“[The municipality] may consider a number of factors including the height of the proposed tower, the proximity of the tower to residential structures, the nature of uses on adjacent and nearby properties, the surrounding topography, and the surrounding tree coverage and foliage. We, and other courts, have held that these are legitimate concerns for a locality.” *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 994 (9th Cir. 2009) *See also Sprint Telephony PCS, L.P. v. City of San Diego*, 543 F.3d 571, 580 (9th Cir. 2008) (stating that the zoning board may consider “other valid public goals such as safety and aesthetics”); *T-Mobile Cent., LLC v. Unified Gov't of Wyandotte County, Kan.*, 546 F.3d 1299, 1312 (10th Cir.2008) (noting that “aesthetics can be a valid ground for local zoning decisions”); and *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 494 (2d Cir.1999) (recognizing that “aesthetic concerns can be a valid basis for zoning decisions”).

**B. Probative Evidence of the Actual Adverse
Aesthetic Impacts Which the Facility Will
Inflict Upon the Nearby Homes**

As logic would dictate, and as federal courts have held, it is the homeowners who are best suited to accurately assess the nature and extent of the adverse aesthetic impacts upon their

homes of an irresponsibly placed wireless telecommunication facility. This is especially true of homeowners whose property is adjacent or in close proximity to a proposed cell tower.

The United States Court of Appeals for the Second Circuit has recognized that when a local government is considering an application for a wireless facility, it should accept, as direct evidence of the adverse aesthetic impacts that a facility would inflict upon nearby homes, statements and letters from the actual homeowners—*i.e.*, because they are in the best position to know and understand the actual extent of the impact they stand to suffer. *See, e.g., Omnipoint Communications Inc. v. The City of White Plains*, 430 F.3d 529 (2d Cir. 2005); *Industrial Tower and Wireless, LLC v. Roisman*, 2024 WL 4329935 (D. Vt. 2024).

Federal Courts have consistently held that adverse aesthetic impacts are a valid basis for denying wireless facilities applications. *Green Mountain Realty Corp. v. Leonard*, 688 F.3d 40, 53 (1st Cir. 2012); *Omnipoint Comm. Inc. v. City of White Plains*, 430 F.2d 529 (2d Cir. 2005); *VWI Towers LLC v. Town of N. Andover Pl. Bd.*, 404 F. Supp. 3d 456 (D. Mass. 2019).

The annexed **Exhibit “A”** consists of **nearly 90 letters** from homeowners whose homes are adjacent to or are situated in close proximity to the proposed wireless facility.

Within each of those letters, the homeowners personally detail the specific adverse aesthetic impacts that the proposed facility would inflict upon their respective homes. They have provided detailed and compelling explanations of the dramatic adverse impacts their properties would suffer if the proposed installation of a wireless telecommunication facility were permitted to proceed. They describe the reasons they moved to their neighborhood and how they love their beautiful, natural surroundings. Most residents moved to the area specifically for the quiet, rural character of the neighborhood. They love the beautiful vistas, the natural surroundings and

proximity to the National Park. The erection of Vertical Bridge's cell tower would abrogate those reasons and destroy what's special about their homes and the beautiful landscapes and vistas, as well as their quality of life.

These personal letters from homeowners, family, and friends provide detailed descriptions of the adverse aesthetic impacts which the proposed tower would inflict upon adjacent, adjoining, and nearby homes. (See **Exhibit "A"**).

The specific and detailed impacts described by these letters constitute "substantial evidence" of the adverse aesthetic impacts residents stand to suffer. They are not limited to "generalized concerns" but instead contain detailed descriptions of how the proposed wireless facility would dominate the views from their backyards, decks where they enjoy their morning coffee and entertain family and friends, their front yards, bedroom windows, living rooms, and "from all over" their properties, and "from every angle" therefrom. Residents are particularly concerned about their views of Panther Peak since the proposed tower will be right in the middle of what has until now been a unique, beautiful, peaceful view.

As detailed therein, the substantial adverse aesthetic impacts, which the proposed wireless facility's irresponsible placement would inflict upon the nearby homes, are the precise type of injurious impacts that the County Zoning regulations were specifically enacted to prevent.

Accordingly, Vertical Bridge's application should be denied in its entirety.

C. The Proposed Installation Will Inflict Substantial and Wholly Unnecessary Losses in the Values of Adjacent and Nearby Residential Properties

In addition to the adverse impacts upon the aesthetics and residential character of the

area at issue, an irresponsibly placed wireless facility in such close proximity to nearby homes would cause a severe negative impact upon the actual value of those residential properties.

As established by the evidence submitted herewith, if Vertical Bridge is permitted to install its proposed wireless facility in such close proximity to nearby homes, it would inflict upon those homes dramatic losses in property value. These homeowners would suffer significant losses in the values of the properties in which they invested not only money, but time, emotion and often sweat equity.

Across the entire United States, both real estate appraisers¹ and real estate brokers have rendered professional opinions that simply support what common sense dictates. When wireless facilities are installed unnecessarily close to residential homes, such homes suffer material losses in value, typically ranging from 5% to 20%.² In the worst cases, facilities built near existing homes have caused the homes to be rendered wholly unsaleable.³

¹ See e.g. a February 22, 2012 article discussing a NJ appraiser's analysis wherein he concluded that the installation of a Wireless Facility in close proximity to a home had reduced the value of the home by more than 10%, go to <http://bridgewater.patch.com/articles/appraiser-t-mobile-cell-tower-will-affect-property-values>

² In a series of three professional studies conducted between 1984 and 2004, one set of experts determined that the installation of a Wireless Facility in close proximity to a residential home reduced the value of the home by anywhere from 1% to 20%. These studies were as follows:

The Bond and Hue - *Proximate Impact Study* - The Bond and Hue study conducted in 2004 involved the analysis of 9,514 residential home sales in 10 suburbs. The study reflected that close proximity to a Wireless Facility reduced price by 15% on average.

The Bond and Wang - *Transaction Based Market Study*

The Bond and Wang study involved the analysis of 4,283 residential home sales in 4 suburbs between 1984 and 2002. The study reflected that close proximity to a Wireless Facility reduced the price between 20.7% and 21%.

The Bond and Beamish - *Opinion Survey Study*

The Bond and Beamish study involved surveying whether people who lived within 100' of a Wireless Facility would have to reduce the sales price of their home. 38% said they would reduce the price by more than 20%, 38% said they would reduce the price by only 1%-9%, and 24% said they would reduce their sale price by 10%-19%.

³ Under FHA regulations, no FHA (federally guaranteed) loan can be approved for the purchase of any home which is situated within the fall zone of a Wireless Facility. See HUD FHA HOC Reference Guide Chapter 1 - hazards and nuisances. As a result, there are cases across the country within which: (a) a homeowner purchased a home, (b) a Wireless Facility was thereafter built in close proximity to it, and (c) as a result of same, the homeowners could not sell their home, because any buyer who sought to buy it could not obtain an FHA guaranteed loan. See,

As has been recognized by federal courts, it is perfectly proper for a local zoning authority to consider as direct evidence the professional opinions of licensed real estate brokers regarding the reduction in property values that an irresponsibly placed wireless facility would cause to nearby homes. *See Omnipoint Communications Inc. v. The City of White Plains*, 430 F3d 529 (2nd Cir. 2005). This is especially true when they possess years of real estate sales experience within the community and the specific geographic area at issue.

As evidence of the adverse impact that the proposed facility would have upon the property values of the homes that are adjacent or in close proximity to it, annexed hereto as **Exhibit “B”** are letters setting forth the professional opinions of licensed real estate professionals, who are familiar with the specific real estate market at issue, and who submit their professional opinions that the installation of the proposed facility would cause property values of the affected homes to be significantly reduced, and would make those homes more difficult to sell, even at reduced purchase prices.

Given the substantial reductions in property values that the proposed installation would inflict upon the nearby homes, the granting of Vertical Bridge’s application would cause the residential neighborhood the very type of injurious financial impacts that the Zoning Code was specifically intended to prevent. *See* §18.07.030 H (c).

Accordingly, Vertical Bridge’s application should be denied.

e.g., October 2, 2012 Article “. . .Cell Tower is Real Estate Roadblock” at <http://www.wfaa.com/news/consumer/Ellis-County-Couple--Cell-tower-making-it-impossible-to-sell-home--172366931.html>.

POINT III

§ 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 Would Allow Vertical Bridge to Increase the Height of the Proposed Facility Without Further or Prior Zoning Approval

As substantial as the adverse impacts upon the nearby homes and communities would be if the proposed facility were constructed as currently proposed by Vertical Bridge, if such a facility were built, Vertical Bridge could unilaterally choose to increase the height of the facility by as much as twenty (20) feet. The County would be legally prohibited from stopping them from doing so due to the constraints of the Middle-Class Tax Relief and Job Creation Act of 2012.

§ 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 provides that notwithstanding Section 704 of the Telecommunications Act of 1996 or any other provision of law, a State or local government may not deny, and shall approve, any eligible request for a modification of an existing wireless facility or base station that does not substantially change the physical dimensions of such facility or base station. *See* 47 U.S.C. § 1455(a).

Under the FCC's reading and interpretation of § 6409(a) of the Act, local governments are prohibited from denying modifications to wireless facilities unless the modifications will "substantially change" the physical dimensions of the facility, pole, or tower.

The FCC defines "substantial change" to include any modification that would increase the height of the facility by more than ten (10%) percent or by more than "the height of one additional antenna with separation from the nearest existing antenna not to exceed 20 feet, *whichever is greater.*" (Emphasis added.)

Simply stated, if this facility were to be built as proposed, the FCC regulation would

allow Vertical Bridge to add another 20 feet to the tower without needing to seek approval beforehand. They could unilaterally extend the height of the tower at any time and there would be no way for the County of Pima to prevent it.

Considering the even more extreme adverse impacts which an increase in the height of the facilities would inflict upon the homes and communities nearby, Vertical Bridge's application should be denied.

POINT IV

Vertical Bridge Has Failed to Proffer Probative Evidence Sufficient to Establish a Need for the Proposed Wireless Facility at the Location Proposed, Or That the Granting of Its Application Would Be Consistent With the Smart Planning Requirements Of the County's Zoning Code

In essence, the intent behind the provisions of the County's Zoning Code, including the provisions regulating wireless telecommunications facilities, is to promote "smart planning" of wireless infrastructure within the County.

Smart planning involves the adoption and enforcement of zoning provisions that require wireless telecommunication facilities to be *strategically placed* so that they minimize the number of facilities needed while saturating the County with complete wireless coverage (*i.e.*, they leave no gaps in wireless service) and avoiding any unnecessary adverse aesthetic or other impacts upon homes and communities situated in close proximity to such facilities.

To determine if a proposed wireless telecommunications facility would be consistent with smart planning requirements, sophisticated planning boards require wireless carriers and/or site developers to provide direct evidentiary proof of:

- (a) the *precise locations, size, and extent of any geographic gaps in personal wireless services* that are being provided by a specifically identified wireless carrier, which provides personal wireless services within the respective jurisdiction, **and**
- (b) the *precise locations, size, and extent of any geographic areas* within which that identified wireless carrier suffers from a capacity deficiency in its coverage.

The reason that local zoning boards invariably require such information is that without it, the boards have no way of knowing:

- (a) if, and to what extent a proposed facility will remedy any actual gaps or deficiencies which may exist, and
- (b) if the proposed placement is in such a poor location that it would all but require that more facilities be built because the proposed facility did not actually cover the gaps in service which actually existed, thereby causing an unnecessary redundancy in wireless facilities within the County.

In the present case, Vertical Bridge has wholly failed to provide any hard data to establish that the proposed placement of its facility would, in any way, be consistent with the smart planning provisions. Thus, it has failed to provide actual probative evidence to establish:

- (a) the *actual location of gaps* (or deficient capacity locations) in personal wireless services within the Town, and
- (b) why or how their proposed facility would be the best and/or least intrusive means of remedying those gaps.

Moreover, as will be further discussed below, Vertical Bridge failed to present any hard data and has failed to present any useful data at all.

A. The Applicable Evidentiary Standard

Within the context of zoning applications such as the current one filed by Vertical Bridge, an applicant is required to prove that there are *significant* gaps⁴ in its wireless service, that the location of the proposed facility will *remedy* those gaps, and that the facility is the *least intrusive means* of remedying that gap.

The Ninth Circuit has set forth the following requirements, which all applicants seeking to install wireless facilities must prove. The test articulated by the Ninth Circuit requires Vertical Bridge to demonstrate that:

- (1) the proposed facility is required in order to close a significant gap in service coverage;
- (2) that the proposed facility is the least intrusive means of remedying the significant gap in service coverage, and
- (3) a meaningful inquiry has been made as to why the proposed facility is the only feasible alternative.

See Am. Tower Corp. v. City of San Diego, 763 F.3d 1035 (9th Cir. 2014); *GTE Mobilenet, supra*; *T-Mobile USA, Inc. v. City of Anacortes, supra* 572 F.3d 987 (9th Cir. 2009).

“The TCA does not assure every wireless carrier a right to seamless coverage in every area it serves, and the relevant service gap must be truly ‘significant’ and ‘not merely individual ‘dead spots’ within a greater service area.” *Los Angeles SMSA Limited Partnership v. City of*

⁴ It should be noted that establishing a gap in wireless services is *not* enough to prove the need for a wireless facility; rather, the applicant must prove that “a significant gap” in wireless service coverage exists at the proposed location. *See, e.g., Omnipoint Holdings, Inc. v. City of Cranston*, 586 F.3d 38, 50 (1st Cir. 2009); *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 731 (9th Cir.2005). Here, Vertical Bridge failed to proffer substantial evidence that a gap in wireless services exists—let alone that this purported gap is “significant” within the meaning of the TCA and established federal jurisprudence.

Los Angeles 2021 WL 4706999 (C.D. Calif. 2021) quoting *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715 (9th Cir. 2005).

With respect to a “gap in service,” “where the holes in coverage are very limited in number or size... the lack of coverage likely will be *de minimis* so that denying applications to construct towers necessary to fill these holes will not amount to a prohibition of service.”

Sprint Spectrum L.P. v. Willoth, 176 F.3d 630 (2d Cir. 1999); *T-Mobile v Town of Islip*, *supra*.

Further, the *T-Mobile* Court, citing *Willoth*, held that “the fact that T-Mobile may have a need for the Proposed Facility does not ‘trump all other important considerations, including the preservation of the autonomy of states and municipalities.’”

More specifically, the United States Court of Appeals for the Ninth Circuit stated in *Am. Tower Corp. v. City of San Diego*, “[w]hen determining whether a locality has effectively prevented a wireless services provider from closing a significant gap in service coverage, as would violate the federal Telecommunications Act (TCA), some inquiry is required regarding the feasibility of alternative facilities or site locations, and a least intrusive means standard is applied, which requires that the provider show that the manner in which it proposes to fill the significant gap in services is the least intrusive on the values that the denial sought to serve.” *Id.* See also, *City of Anacortes*, *supra*. That is, is the proposed tower the least intrusive means in light of the municipality’s zoning regulations and the legislative intent behind them?

As discussed above, in Point I, Vertical Bridge’s investigation into alternative sites was not conducted in good faith and with due diligence. An applicant is required to conduct a meaningful investigation into alternative sites. *Up State Tower Co. v Town of Southport, NY* 412 F.Supp.3d 270 (W.D.N.Y. 2019). Interestingly, the *Omnipoint* Court found

that where “other cell companies serve the area...the Board could infer that other towers erected by other companies are in the vicinity, and that Omnipoint had the burden of showing either that those towers lacked capacity for an Omnipoint facility or that (for some other reason) those towers were unavailable to bridge Omnipoint’s coverage gap.”

Moreover, a local government may reject an application for construction of a wireless service facility in an under-served area without thereby prohibiting wireless services if the service gap can be closed by less intrusive means. *Sprint Spectrum L.P. v. Willoth*, 176 F.3d 630 (2d Cir. 1999) *citing* *Town of Amherst v Omnipoint Communications*, 173 F.3d 9 (1st Cir 2 1999). And a denial is merited where the applicant has identified other potential sites but stated in conclusory fashion that they were unfeasible and stated...that it was unable to build a less intrusive structure.... *Omnipoint, supra*.

B. Vertical Bridge Failed to Submit Any Probative Evidence to Establish the Need for the Proposed Facility at the Height and Location Proposed

Applicant Vertical Bridge failed to meet its burden of proving that: (1) a significant gap in service exists; (2) its facility would remedy that gap; (3) the proposed tower is compatible with the surrounding community; (4) its proposed placement would minimize the aesthetic impact within the meaning of the applicable sections of the Zoning Code; and (5) a denial of its application would constitute a “prohibition of personal wireless services” within the meaning of 47 U.S.C.A. §332(7)(B)(i)(II).

Glaringly absent from Vertical Bridge’s application is any “*hard data*,” which could easily be submitted by the applicant, as *probative evidence* to establish that: (a) there is an ac-

tual gap in service which (b) necessitates the construction of a *new* facility, (c) and which requires it to be built at the specifically proposed location, and (d) on the specifically chosen site (as opposed to being built upon any alternative, less-intrusive locations).

Vertical Bridge has failed to prove that the proposed location is the best possible location to remedy a significant gap in personal wireless service because no significant gap in service even exists.

Without any meaningful data whatsoever, it is impossible for the County to comply with the “smart planning” requirements set forth in its own Zoning Code. Furthermore, without any data, the County cannot ascertain whether the proposed location is the least intrusive means of providing personal wireless service to the community because they have no idea where any possible significant gaps may or may not exist. It would be entirely irresponsible and illogical for the County to grant applications for the installation of wireless telecommunications facilities without even knowing where such facilities are actually needed.

(i) FCC and California Public Utilities Commission

Recently, both the FCC and the California Public Utilities Commission have recognized the *absolute need* for hard data rather than the commonly submitted propagation maps, which can easily be manipulated to exaggerate need and significant gaps.

As is discussed within the FCC’s July 17, 2020, proposed order, FCC-20-94, “[i]n this section, we propose requiring mobile providers to submit a statistically valid sample of on-the-ground data (*i.e.*, both mobile and stationary drive-test data) as an additional method to verify mobile providers’ coverage maps.”⁵ The FCC defines drive tests as “tests analyzing network

⁵ See page 44 paragraph 104 of proposed order FCC-20-94.

coverage for mobile services in a given area, i.e., measurements taken from vehicles traveling on roads in the area.”⁶ Further within the FCC’s proposed order, several commenting entities also agree that drive test data is the best way to ascertain the most reliable data. For example: (i) “City of New York, California PUC, and Connected Nation have asserted that on-the-ground data, such as drive-test data, are critical to verifying services providers’ coverage data...;”⁷ (ii) California PUC asserted that ‘drive tests [are] the most effective measure of actual mobile broadband service speeds’;⁸ and (iii) “CTIA, which opposed the mandatory submission of on-the-ground data, nonetheless acknowledged that their data ‘may be a useful resource to help validate propagation data...’”⁹

California PUC has additionally stated that “the data and mapping outputs of propagation-based models will not result in accurate representation of actual wireless coverage” and that based on its experience, “drive tests are required to capture fully accurate data for mobile wireless service areas.”¹⁰

Moreover, proposed order FCC-20-94, on page 45, paragraph 105, discusses provider data. Specifically, the FCC states:

“The Mobility Fund Phase II Investigation Staff Report, however, found that drive testing can play an important role in auditing, verifying, and investigating the accuracy of mobile broadband coverage maps submitted to the Commission. The Mobility Fund Phase II Investigation Staff Report recommended that the Commission require providers to “submit sufficient actual speed test data sampling that verifies the accuracy of the propagation model used to

⁶ See page 44 fn. 298 of proposed order FCC-20-94.

⁷ See page 45 fn. 306 of proposed order FCC-20-94.

⁸ *Id.*

⁹ *Id.*

¹⁰ <https://arstechnica.com/tech-policy/2020/08/att-t-mobile-fight-fcc-plan-to-test-whether-they-lie-about-cell-coverage/>

generate the coverage maps. *Actual speed test data is critical to validating the models used to generate the maps.*”

(Emphasis added)

Most importantly, on August 18, 2020, the FCC issued a final rule in which the FCC found that requiring providers to submit detailed data about their propagation models will help the FCC verify the accuracy of the models. Specifically, 47 CFR §1.7004(c)(2)(i)(D) requires “[a]ffirmation that the coverage model has been validated and calibrated at least one time using on-the-ground testing and/or other real-world measurements completed by the provider or its vendor.”

The mandate requiring more accurate coverage maps has been set forth by Congress. “As a result, the U.S. in March passed a new version of a bill designed to improve the accuracy of broadband coverage maps.”¹¹ “The Broadband Deployment Accuracy and Technological Availability (DATA) Act requires the FCC to collect more detailed information on where coverage is provided and to ‘establish a process to verify the accuracy of such data, and more.’”¹²

However, despite Congress’s clear intent to “improve the quality of the data,”¹³ several wireless carriers, have opposed the drive test/real-world data requirement as too costly.

“The project – required by Congress under the Broadband DATA Act – is an effort to improve the FCC’s current broadband maps. Those maps, supplied by the operators themselves, have been widely criticized as inaccurate.”¹⁴

If the FCC requires further validation and more accurate coverage models, there is no

¹¹ <https://www.cnet.com/news/t-mobile-and-at-t-dont-want-to-drive-test-their-coverage-claims/>

¹² *Id.*

¹³ *Id.*

¹⁴ <https://www.lightreading.com/test-and-measurement/verizon-t-mobile-atandt-balk-at-drive-testing-their-networks/d/d-id/763329>

reason this Town should not do the same. For the foregoing reasons, dropped call records and drive test data are both relevant and necessary.

(ii) Hard Data and the Lack Thereof

Across the entire United States, applicants seeking approvals to install wireless facilities provide local governments with *hard data*, as both: (a) actual evidence that the facility they seek to build is necessary and (b) actual evidence that granting their application would be consistent with smart planning requirements.

The most accurate and least expensive evidence used to establish the location, size, and extent of both *significant gaps* in personal wireless services, and areas suffering from *capacity deficiencies*, are two specific forms of *hard data*, which consist of: (a) dropped call records and (b) actual drive test data. Both local governments and federal courts in California consider hard data in order to ascertain whether or not a significant gap in wireless coverage exists at that exact location.

It must be remembered that a propagation study is only a predictive model of signal strength and coverage. The programs that create the studies use thousands, perhaps millions of calculations and are dependent on the program used and the input parameters defined by the person running the program. Accordingly, the result is only as good as the data input into the program. Additionally, as here, propagation maps usually do not represent *all* frequencies available to the carrier. Lack of one frequency does not mean there is a lack of service in one or more other frequencies. The propagation map provided by Vertical Bridge doesn't even indicate what frequency the map represents. T-Mobile has 12 frequencies that are available for use. Attached as **Exhibit "C"** is a document retrieved from T-Mobile's website showing the 12

frequencies available to T-Mobile. The propagation map submitted as part of Vertical Bridge's application seems only to show one frequency, though that frequency isn't actually disclosed.

In fact, unlike "expert" reports, RF modeling, and propagation maps – all of which may be manipulated to reflect whatever the preparer wants them to show – *hard data* is straightforward and less likely to be subject to manipulation, unintentional error, or inaccuracy.

Dropped call records are generated by a carrier's computer systems. They are typically extremely accurate because they are generated by a computer that already possesses all of the data pertaining to dropped calls, including the number, date, time, and location of all dropped calls suffered by a wireless carrier (*e.g.* T-Mobile) at any geographic location and for any chronological period. With the ease of a few keystrokes, each carrier's system can print out a precise record of all dropped calls for any period of time, at any geographic location. It is highly unlikely that someone could enter false data into a carrier's computer system to materially alter that information.

In a similar vein, actual drive test data does not typically lend itself to the type of manipulation that is almost uniformly found in "computer modeling," the creation of hypothetical propagation maps, or "expert interpretations" of actual data, all of which are so subjective and easily manipulated that they are essentially rendered worthless as a form of probative evidence. Actual raw drive test data consists of actual records of a carrier's wireless signal's actual recorded strengths at precise geographic locations.

As reflected in the records, Vertical Bridge has not provided any type of *hard data* as probative evidence, nor has it presented any form of data whatsoever, despite being in possession of such data. For example, Vertical Bridge could – and should – provide documentation

regarding the number of residents who would benefit from the proposed tower, or information regarding the number and kinds of customer service complaints. “The substantial evidence analysis requires the Court to look for ‘such relevant evidence as a reasonable mind might accept as adequate to support a conclusion’ that a significant gap in service exists. *New Cingular Wireless PCS v. City of West Covina*, 2023 WL 4422835 (C.D. Calif. 2023) quoting *Metro PCS, supra*. Clearly, the actual number of people who would benefit from the proposed tower as well as information regarding actual service complaints and/or dropped calls, would be the best indicators of a significant gap in service. In this instance, only T-Mobile customers would benefit from the proposed tower. Area residents do not complain about cellular service. In fact, residents adjacent to the proposed site report good service.

C. T-Mobile’s Analysis Regarding Its Wireless Coverage
Is Contradicted By Their Own Actual Coverage Data

As is a matter of public record, T-Mobile maintains an internet website at <https://www.t-mobile.com>. In conjunction with its ownership and operation of that website, T-Mobile maintains a database that contains geographic data points that cumulatively form a geographic inventory of their actual *current* coverage for wireless services.

As maintained and operated by T-Mobile, that database is linked to their website, and is the data source for an interactive function, which enables users to access T-Mobile’s own data to ascertain both: (a) the existence of T-Mobile’s wireless coverage at any specific geographic location, and (b) the level, or quality of such coverage.

T-Mobile’s interactive website translates their *actual coverage data* to provide imagery whereby areas that are covered by T-Mobile’s service are depicted in various shades of red, and

areas where they have a lack of (or gap in) coverage, are depicted in white. The website further translates the data from T-Mobile's database to specify the actual *service level* at any specific geographic location.

A copy of T-Mobile's coverage map for the area around 10510 W. Massingale Rd. can be viewed on T-Mobile's website and is also attached as **Exhibit "D."** This Exhibit was obtained and printed on October 23, 2024, from T-Mobile's website.

On its website, the coverage map shows, based on T-Mobile's *own* data, that there is no significant coverage gap in their service at 10510 W. Massingale Rd., or anywhere around or in close proximity to it. The coverage map indicates solid levels of service.

This is in stark contrast to the claims made by T-Mobile and Vertical Bridge in their application, allegedly supported by their propagation maps. This obvious contrast between the claims made on T-Mobile's website in order to sell its services to the public and the claims made by T-Mobile and Vertical Bridge in order to sell its proposed tower to this Board is striking. If nothing else, these differences demonstrate the ease with which data can be manipulated to suit a particular purpose.

In addition, annexed as **Exhibit "E"** is a map maintained by the FCC, accessible on their website and based on data provided directly by T-Mobile. This Exhibit was obtained and printed on October 25, 2024, and shows that there are no coverage gaps at or near 10510 W. Massingale Rd.

Both **Exhibits "D"** and **"E"** are based on AT&T's own data and as such, at the very least should be treated as statements against interest.

D. *ExteNet Systems, Inc. v. Village of Flower Hill and Flower Hill Board of Trustees*

On July 29, 2022, the Federal District Court for the Eastern District of New York issued an informative and instructive decision that reiterates the holding in another authoritative and widely cited case, *Willoth, supra*. Although not binding on Courts in the state of California, the case is nonetheless persuasive. The Judge noted that while “improved capacity and speed are desirable (and, no doubt, profitable) goals in the age of smartphones, ... they are not protected by the [TCA].” *ExteNet Systems, Inc. v. Village of Flower Hill*, No. 19-CV-5588-FB-VMS (E.D.N.Y. July 29, 2022). In the *Flower Hill* case, the Board found significant adverse aesthetic and property values impact and, most importantly, no gap in wireless coverage and, therefore, no need even to justify the significant adverse impacts. Quoting *Omnipoint, supra*, the Court found that the lack of “public necessity” can justify a denial under New York law. “In the context of wireless facilities, public necessity requires the provider ‘to demonstrate that there was a gap in cell service, and that building the proposed [facility] was more feasible than other options.’” *Id.* Further, the Judge held that “as with the effective prohibition issue, the lack of a gap in coverage is relevant here and can constitute *substantial evidence* justifying denial... And, since one reason given by the Board for its decision was supported by substantial evidence, the Court need not evaluate its other reasons.” *Id.*, (*emphasis supplied*).

The applicant bears the burden of proof and must show that there is a significant gap in service – not just a lack of a *particular frequency* of service, *i.e.*, 5G service. A cell phone is able to “downshift” – that is, from 5G to 4G or from 4G to 3G, etc. – if necessary to maintain a

call throughout coverage areas. Unless there is an actual gap, the call will continue uninterrupted. Therefore, there's only a significant gap when there is *no service at all*. *Id.*

Similarly, in this instance, in addition to the clear adverse impact on the neighboring properties, AT&T has failed to produce any evidence of a truly significant gap in wireless service. Showing a gap in a particular frequency is not sufficient. *All* frequencies must be absent for a significant gap to exist. AT&T has failed to meet this burden, and thus their application should be denied.

POINT V

The Risk Of Fire at a Cell Tower Is Significant

At least once per month, a monopole cell tower somewhere in the U.S will experience a fire, and an unspecified number of them will, thereafter, collapse in a flaming heap. The most notorious example was a monopole cell tower in Wellesley, MA, which erupted into flames on a main thoroughfare, and the entire tower collapsed in flames. Meanwhile, hundreds of drivers drove past it.

To watch a color video of that event, simply go to *YouTube* and perform a search for "Cell Tower Burns to the Ground." The results will include one or more color videos of the flaming tower collapsing as motorists drove by.

Of particular concern in this instance, is the fact that the dirt roads surrounding the proposed site are in such poor condition that should a fire occur, it is unlikely that a fire truck would be able to navigate the rutted, dirt roadway. The tragedy that could result is unthinkable.

POINT VI

Vertical Bridge Has Failed to Follow Applicable Federal, State and Local Law With Respect to Environmental Assessment

As part of the application process, Vertical Bridge is required to prove that construction of their proposed tower is in compliance with applicable federal, state and local environmental laws. Although contact seems to have been made with the U.S. Fish and Wildlife Service, no responding correspondence from the USFWS is included in the application. Furthermore, the Biological Impact Report has not been filled out and submitted either.

It's well known that various endangered and threatened flora and fauna are found in the area of the proposed tower. As anyone who lives in or has visited the area, the natural beauty and diversity of flora and fauna is one of the most appealing characteristics of the area. Stringent federal, state and local laws – including, but not limited to those mentioned above, the Native Plant Preservation local law, Buffer Overlay Zone regulations, Xeroriparian C and D habitats, Harris Hawk Riparian area and the Migratory bird Treaty Act – protect unique and fragile plants and animals found near the proposed tower site.

Endangered and threatened species frequently seen in the area include:

- Cactus ferruginous Pygmy Owl (an endangered species)
- Western Burrowing Owl
- Harris Hawks (protected by the Migratory Bird Treaty Act)
- Javelinas
- Saguaro Cactus
- Pima Pineapple Cactus
- Whitethorn Acacia
- Desert hackberry
- Ironwood

- Velvet Mesquite
- Fishhook Barrel Cactus
- Arizona Hedgehog Cactus

Attached as **Exhibit “F”** are photographs of numerous Harris Hawks roosting in nearby trees. Most notably, the proposed cell tower site borders Saguaro National Park West. The proposed site is a mere 2000 ft. from the border of the Park. Any tower erected at the proposed site will be visible from various locations in the Park. Though it’s clear that the tower will infringe on the view from and toward the Park, just how visible it would be is unclear because no balloon testing was performed.

POINT VII

To Comply With the TCA, Vertical Bridge’s Application Should Be Denied In A Written Decision Which Cites The Evidence Provided Herewith

The Telecommunications Act of 1996 requires that any decision denying an application to install a wireless facility: (a) be made in writing, and (b) be made based upon substantial evidence, which is discussed in the written decision. *See* 47 U.S.C.A. §332(c)(7)(B)(iii).

A. The Written Decision Requirement

To satisfy the requirement that the decision be in writing, a local government must issue a written denial which is separate from the written record of the proceeding, and the denial must contain a sufficient explanation of the reasons for the denial to allow a reviewing court to evaluate the evidence in the record supporting those reasons. *See, e.g., MetroPCS v. City and County of San Francisco*, 400 F.3d 715(2005).

B. The Substantial Evidence Requirement

To satisfy the requirement that the decision be based upon substantial evidence, the decision must be based upon such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

The most authoritative and widely quoted explanation of the TCA's "substantial evidence" requirement comes from *Cellular Tel. Co. v. Town of Oyster Bay*: "substantial evidence implies 'less than a preponderance, but more than a scintilla of evidence'." 166 F.3d 490 (2d Cir. 1999). *See also, GTE Mobilenet, supra*. Substantial evidence "means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Id., quoting MetroPCS, Inc. v. City and Cty. of San Francisco*, 400 F.3d 715 (9th Cir. 2005). Thus, these interested homeowners have met their burden of proving that AT&T failed to offer sufficient evidence to warrant granting their application and it should be denied.

To ensure that the Board's decision cannot be challenged under the Telecommunications Act of 1996, it is respectfully requested that the Board deny Vertical Bridge's application in a written decision wherein the Board cites the substantial evidence upon which it based its determination.

C. The Non-Risks Of Litigation

All too often, representatives of wireless carriers and/or site developers seek to intimidate local zoning officials with either open or veiled threats of litigation. These threats of litigation under the TCA are, for the most part, entirely hollow.

This is because, even if they file a federal action against the Planning Board and win, the Telecommunications Act of 1996 does not entitle them to recover compensatory damages or

attorneys' fees, even when they get creative and try to characterize their cases as claims under 42 U.S.C. §1983.¹⁵

This means that even if they sue the Board and win, the Board does not pay them anything in damages or attorneys' fees under the TCA.

Typically, the only expense incurred by the local government is its own attorneys' fees. Since federal law mandates that TCA cases proceed on an "expedited" basis, such cases typically last only months rather than years.

As a result of the brevity and relative simplicity of such cases, the attorneys' fees incurred by a local government are typically quite small, compared to virtually any other type of federal litigation—as long as the local government's counsel does not try to "maximize" its billing in the case.

Conclusion

Vertical Bridge has not proven that a need even exists in the area where they propose to install their cell tower. No significant gap has been demonstrated. Nor has Vertical Bridge proven that the proposed facility is the least intrusive means of remedying the purported significant gap in service coverage. They have not even shown that a meaningful, good faith inquiry was made as to whether the proposed facility is the least intrusive alternative.

These facts together with the clear adverse impacts – both aesthetic and financial – which will befall the nearby residents, and which will affect the character of the of the entire

¹⁵ See *City of Rancho Palos Verdes v. Abrams*, 125 S.Ct 1453 (2005), *Network Towers LLC v. Town of Hagerstown*, 2002 WL 1364156 (2002), *Kay v. City of Rancho Palos Verdes*, 504 F.3d 803 (9th Cir 2007), *Nextel Partners Inc. v. Kingston Township*, 286 F.3d 687 (3rd Cir 2002).

community can result in only one thoughtful, considered decision. It is respectfully submitted that the decision must be a denial of Vertical Bridge's application.

For the foregoing reasons, we respectfully request that Vertical Bridge's application be denied in its entirety.

Dated: Tucson, Arizona
October 25, 2024

Respectfully Submitted,

Sherrly Volpone – 10550 W Massingale Rd., Tucson, AZ 85743
Lucas West – 10550 W Massingale Rd., Tucson, AZ 85743
Coi Pappas – 7719 N. Lydia Ave., Tucson, AZ 85743
Connie Pappas – 7719 N. Lydia Ave., Tucson, AZ 85743
Lori Kilgess – 10616 W. Massingale Rd., Tucson, AZ 85743
Monica Thompson – 12478 W. Picture Rocks Rd., Tucson, AZ 85743
Joy Wilson – 10480 W. Anthony Dr., Tucson, AZ 85743
Jay Sharp – 7715 N. Cherokee Pony Trail, Unit 1, Tucson, AZ 85743
Charlie Knagge – 10390 W. Massingale Rd., Tucson, AZ 85743
Julie Jacobs – 10380 W. Masasingale Rd., Tucson, AZ 85743
Fernando Moniz – 10225 W. Massingale Rd., Tucson, AZ 85743
William J. Armstrong – 10481 W. Massingale Rd., Tucson, AZ 85743
Margaret A. Macleish – 10909 W. Anthony Dr., Tucson, AZ 85743
Cathy Curran – 10392 W. Massingale Rd., Tucson, AZ 85743
Johanna Curran – 10392 W. Massingale Rd., Tucson, AZ 85743
Robert Pledge – 10500 W. Anthony Dr., Tucson, AZ 85743
Jean D'Alonzo – 10500 W. Anthony Dr., Tucson, AZ 85743
Robin Nicholson – 10230 W. Massingale Rd., Tucson, AZ 85743
Keith Winans – 10230 W. Massingale Rd., Tucson, AZ 85743
Damon Welch – 10501 W. Anthony Dr., Tucson, AZ 85743
Charlie Galloway – 10660 W. Massingale Rd., Tucson, AZ 85743
Peter Hnath – 11640 W. Anthony Dr., Tucson, AZ 85743
Zander Hnath – 11250 W. Anthony Dr., Tucson, AZ 85743
Khya Hnath – 11750 W. Anthony Dr., Tucson, AZ 85743
Joshua Hnath – 11850 W. Anthony Dr., Tucson, AZ 85743

M.T. Abatecola – 11520 W. Royalty Dr., Tucson, AZ 85743
Miki Abatecola – 11520 W. Royalty Dr., Tucson, AZ 85743
Jake Avenenti – 10241 W. Anthony Dr., Tucson, AZ 85743
Rhonda Carter – 10455 W. Mars, Tucson, AZ 85743
Mike Carter – 10455 W. Mars, Tucson, AZ 85743
Wilberta Messamore – 7585 N. Shaggy Tree Lane, Tucson, AZ 85743
Sue Murphy – 10440 W. Massingale Rd., Tucson, AZ 85743
Sedona Murphy - 10440 W. Massingale Rd., Tucson, AZ 85743
Michael P. McMahon – 10440 W. Massingale Rd., Tucson, AZ 85743
Edward Jakubcik – 10333 W. Massingale Rd., Tucson, AZ 85743
Nicole Lowery – 10720 W. Massingale Rd., Tucson, AZ 85743
Frances Schlack – 10300 W. Anthony Dr., Tucson, AZ 85743
Susan Ybarra – 13156 W. Trail Dust Rd., Tucson, AZ 85743
Sheila S. Dobson – 7606 N. Shaggy Tree Ln., Tucson, AZ 85743
Justin H. Fogel – 7606 N. Shaggy Tree Ln., Tucson, AZ 85743
Angela Pelson – 10450 W. Anthony Dr., Tucson, AZ 85743
Joseph Liardi – 11250 W. Anthony Dr., Tucson, AZ 85743
Jay Maseriant – 11459 W. Anthony Dr., Tucson, AZ 85743
Michael Cenicerros - Tucson, AZ 85743
Amy Skomski – 7750 N. Cherokee Pony Tr., Tucson, AZ 85743
Pat Chacon – 7665 N. Pale Stone Pl, Tucson, AZ 85743
Ahne Flores – 10400 W. Massingale Rd., Tucson, AZ 85743
Rosenda Pelayo – 10667 W. Anthony Dr., Tucson, AZ 85743
Tim Backus – 10390 W. Windchime Dr., Tucson, AZ 85743
Ryan Lipphardt – 10468 W. Massingale Rd., Tucson, AZ 85743
Jessica Lipphardt – 10468 W. Massingale Rd., Tucson, AZ 85743
Ty Lipphardt – 10468 W. Massingale Rd., Tucson, AZ 85743
Richelle Lipphardt – 10468 W. Massingale Rd., Tucson, AZ 85743
Jenny Birmingham – Tucson, AZ 85743
Kelly Taylor – Tucson, AZ 85743
Chuck Taylor – Picture Rocks, AZ
James Reynolds – 10641 W. Massingale Rd., Tucson, AZ 85743
Brad D'Emidio – 5547 Panther Butttest., Marana, AZ 85658
Donna Corbin – 5700 N. Tula Lane, Picture Rocks, AZ 85743
John Stone – 10131 W. Picture Rocks Rd., Tucson, AZ 85743
Bobbi Stone – 10131 W. Picture Rocks Rd., Tucson, AZ 85743
Amy Fiser – 10641 W. Massingale Rd., Tucson, AZ 85743
Joy Wilson – 10480 W. Anthony Dr., Tucson, AZ 85743

Melissa Horton – 10464 W. Massingale Rd., Tucson, AZ 85743
Jason Romo – 10464 W. Massingale Rd., Tucson, AZ 85743
Rosenda Pelayo – 10667 W. Anthony Dr., Tucson, AZ 85743
Carmen Rios – 10667 W. Anthony Dr., Tucson, AZ 85743
Carlos Garcia – 10667 W. Anthony Dr., Tucson, AZ 85743
San Juan Garcia – 10667 W. Anthony Dr., Tucson, AZ 85743
Edward Jakubcik – 10333 W. Massingale Rd., Tucson, AZ 85743
Sharon C. Tallman – 10333 W. Massingale Rd., Tucson, AZ 85743
Angela Pelton – 10450 W. Anthony Dr., Tucson, AZ 85743
Dale D. Pelton – 10450 W. Anthony Dr., Tucson, AZ 85743
Marieanne Stoffel – 6875 N. Mixer Way Tucson, AZ 85743
Hannah Martinez – 10468 W. Massingale Rd., Tucson, AZ 85743
Lucas Martinez – 10468 W. Massingale Rd., Tucson, AZ 85743
Anne Martinez – 11622 W. Ina Rd., Tucson, AZ 85743
James Burnett – 10461 W. Massingale Rd., Tucson, AZ 85743
Elizabeth Wheeler-Hwang – 7590 N. Lydia Ave., Tucson, AZ 85743
Maxine Wheeler-Hwang – 7590 N. Lydia Ave., Tucson, AZ 85743
Andrew Hwang – 7590 N. Lydia Ave., Tucson, AZ 85743
Janae E. Wheeler – 7590 N. Lydia Ave., Tucson, AZ 85743
Samantha Wheeler – 7590 N. Lydia Ave., Tucson, AZ 85743
Shirie Hutchby – 7650 Pale Stone Pl., Tucson, AZ 85743
Shawn Tucker – 7650 N. Pale Stone Pl., Tucson, AZ 85743
Cruz Gallindo 10468 W. Massingale Rd., Tucson, AZ 85743
Lynn A. Adams – 7530 N. Desert Post Ln., Tucson, AZ 85743
Jan Achey – 11640 W. Anthony Dr., Tucson, AZ 85743
Kelly Achey – 11640 W. Anthony Dr., Tucson, AZ 85743
Anthony Martinez – 11622 W. Ina Rd., Tucson, AZ 85743
Virginia Marth – 10040 W. Rudasill Rd., Tucson, AZ 85743
Living Desert Allaince – P.O. Box 776, Marana, AZ 85658

COUNTY OF PIMA
STATE OF ARIZONA

-----X
In the Matter of the Application of:

VERTICAL BRIDGE, LLC

For Conditional Use Permit

Premises: 10510 W Massingale Road
Tucson, AZ 85743

Case: P24CU00007
Parcel #: 215-40-026A

-----X
EXHIBITS IN OPPOSITION

Exhibit List

- A Adverse Aesthetic Impact Letters
- B Real Estate Professional Opinion Letters re: Adverse Impact on Property Values
- C T-Mobile's Frequency List
- D T-Mobile's Website Wireless Coverage Map
- E FCC Coverage Map for T-Mobile for Proposed Site
- F Harris Hawk Photographs

EXHIBIT A

To: Pima County Zoning Commission and/or Board of Supervisors

7/10/24

I oppose this proposal and placement of a 5g tower or any tower at 10510 W Massingale or in my neighborhood.

I was informed about a meeting by pima county at 10510 W Massingale by a letter. I did not receive a letter a year ago offering me the opportunity to participate , this would have let me know what was coming. I met Christine Tucker from Vertical Bridge at the address, immediately she told all of us this is a done deal this is the address for the tower. She didn't clarify who she was but she continued to enforce the plan was set for this location. She wouldn't hear the 12 people that came. She kept saying the state couldn't do anything this was a federal allowed. She wanted us to believe our county couldnt support and protect us. We had questions, she avoided most, she was misleading and shut down the questions with nonsensical answers.

I live nextdoor my address is 10550 W Massingale Rd. I have been here 26 years for that time, I worked on my land cleaned 15,000 lbs of choilla by hand. Trim trees, seal adobe etc. I love my home. I planned to retire here, I have had great personal loss which creates challenges. I do have a disability and now work pt. I was filling out my telecommute paperwork for my job so I could work at home some. This tower will affect my condition. It will destroy my property value and block the scenic view.

This is my forever home, all the outdoor bbqs were enjoyed because of the rural natural connection with wildlife, I will never be able to look at the view and enjoy the beauty of nature again. This is heartbreaking, I sit with my donkeys, and we commune with the surroundings, the sky, the mountains. Since the desert trees are quite low, this will be a constant distressing sight. The tower will be visible from inside the house, from the barn and all outside spaces, it will destroy and block our views from all areas on my property. Just the thought is devastating.

My property line is approx 150 to 180 ft from the proposed tower. Will there be a transformer/generator that will make a sound. My neighbors and I will have surely have a severe property value decrease or not be able to sell at all.

It is my understanding that the regarding towers, pima county code 18.07.030 To maintain and preserve the existing unique attributes of the community character including but not limited to architecture, historical and cultural features, historic development patterns, **landscape, and to preserve property values in the neighborhoods. To protect the aesthetic quality of the neighborhood.** They should not violate the investment that residents/constituents make in their properties.

I have had the pleasure of experiencing 20+ yrs with a harris hawk thriving nest in a tree 200 ft from the proposed tower on my property. They are protected by the migrant bird treaty act by the USFWS. The articles by Albert Manville disclose the studies that show the impacts on birds and bees. as far as the hawks the would lose locomotion, plumage and resulting in death. USFWS Al Manville.

The tower is proposed to be by the quarry and 180 degrees will be useless. An ineffective way to use pima county funds and taxpayer money. These towers are supposed to be in densely populated areas. Between the quarry and the Saguaro National Park this tower is a senseless waste of money.

The buffer overlay zone is completely covering us as well at the Harris Riparian area, as well as both Xeroriparian types C and D habitats that also intersect. They go through portions of the 10510 W Massingale Rd. The tower would interfere with these habitats as the wildlife do not conform to the exact boundaries.

Why have so many regulations for the areas above on the citizens who live here 5 ft fencing etc. and make exceptions for these towers when we do not have a gap in internet or cell service. It seems this is unfair. We need to treat everyone equally and make the rules and codes apply to companies that only interest is financial gain.

Lastly, Vertical Bridge told us Roxy lane would be the access road, this is an easement, the property is owned to the middle by multiple owners. This road is connected to a wash and made of sand. With heavy rain or monsoon it runs and floods creating crevice's, and can be impassable. It is not a Pima County or publicly maintained road as per pima county code 18.07.030 for towers.

The county is supposed to support its constituents, either we vote to put you in office or you work for Pima County and take an oath to advocate for us . You may not agree with all we say but we count on you to stand by us. Please deny the proposal/application from Vertical Bridge for this tower.

Sincerely,



Sherryl Volpone
10550 W Massingale Rd
Tucson AZ 85743

July 3, 2024

Greetings Pima County Zoning Commission and/or Board of Supervisors,

I, Lucas West am reaching out in opposition of the 5g tower being proposed at 10510 W Massingale Rd by Vertical Bridge. First I would like to mention that Christine Tucker who conducted the initial meeting with the community stated in the letter "Pima County Meeting" when she does not work for Pima County. This was misleading since I thought we would be speaking with someone who was either with Zoning or Board of Supervisors to express our opinions regarding this 5g tower. Upon walking up to Christine Tucker, who was already speaking with a couple others in the community, said this was a done deal for the tower before the recording of the meeting started at possible tower location. During the meeting it was later stated that she still had to submit a proposal for approval. Through this meeting there were a few inconsistencies regarding the tower which is only for T-Mobile which majority of participants do not have. I also wanted to state that she has another location that was approved, however, she decided not to use said site. With residents in the community opposing the tower at 10510 W Massingale Rd. Christine should use original site which was approved. With that said I would like to express my concerns below.

- The location of the tower in question will send a signal over a quarry and Saguaro National Park which 180 degrees of signal will be wasted.
- Having a 5g Tower depreciates the value of nearby properties by up to 20%. In today's market that is a loss of \$40K to \$120K or more depending on acreage and square footage of home.
- The tower will also not match its landscape and will obstruct the natural views surrounding the area. People move to these rural areas for its natural beauty.
- Pima County Code 18.14.040 has a development standard for the height of the tower which is 34 feet. (Proposed height is 75 feet)
- Buffer Overlay Zone is too close to Saguaro National Park per County Regulations.

With all the above I am pleading with you to deny the proposal for the 5g Tower at 10510 W Massingale Rd by Vertical Bridge. I grew up out here and love being in an open space where nothing blocks the view. My love of watching the wildlife and having breakfast on the patio before I start my day means everything to me. I enjoy trimming the trees, maintaining the property, and spending time with the donkeys which is a little over 100 feet away from the proposed tower. This tower will effect what is around me and will be an eyesore every time I walk out my door to enjoy the scenery. I also like to hike Panther Peak in the Saguaro National Park and when I get to the top I will have to stare at this monstrosity knowing it will be there when I get home to stare at it again. I plan on spending the rest of my life here and will hate to see it ruined by something that is aesthetically fake. There is no escaping a huge tower when you are next door to it and that disgusts me. As a constituent and somebody who cares for the community I hope you take my plea into consideration.

Thank you for your time.



Lucas West
10550 W Massingale Rd
Tucson, AZ 85743

July 2024

To Whom it may concern,

I am writing to say that I strongly oppose the plan to build a cell tower at 10510 W Massingale Rd, Tucson 85743.

RF radiation, even at low levels, harms the birds and bees in the area. Studies support this, and research has found that "They depend on the earth's natural magnetic fields for orientation, migration, food-finding abilities, mating, nest and den building, territorial maintenance, and defense,"

<https://www.publicnewsservice.org/2022-02-10/endangered-species-and-wildlife/research-suggests-cell-tower-radiation-harms-wildlife/a77814-1>

A cell tower will negatively impact the Harris hawks, Verdins, Gila Woodpeckers, and Cactus wrens that make our local neighborhood their home.

Because of the negative environmental impact, I'm asking that the proposed cell tower be permanently denied.

Regards,



Name

LORI KILGRESS

10614 W. MASSINGALE ROAD

Address

TUCSON, AZ 85743

7/22/2024

Dear: Thomas Drzazgowski and/or Pima County Supervisors,

I am writing this letter in opposition to the proposed tower by Vertical Bridge at 10510 W Massingale Rd. The representative for Vertical Bridge Christine Tucker made this whole ordeal sound like it was final and that hosting this meeting was just a courtesy to inform the community. Then she went on and stated that this site still needs to be approved. This was very contradictory and shows that major corporations will say anything to get what they want.

I have lived here for a few years with my girlfriend who has spent her whole life here. I see why she loves it and I have grown to love it too. We have a garden and chickens we like to take care of. Walking out the door and getting to see the scenery means everything to us. We talk about spending the rest of our lives here and it disturbs me deeply that there will be a 75 foot tower that will not match its surroundings. The tower will be randomly there and will be an eye soar for everyone in the community. I love hiking the Saguaro National Park and when I go up the mountain to look at the beautiful views it will be ruined by this proposed tower. I will have to stare at it every time I leave for work and that just disgusts me. Please consider my opposition for the proposed tower by Vertical Bridge.

Sincerely,



Shawn Tucker

7650 N. Pale Stone PL
Tucson, AZ 85743

7/19/24

Dear Mr. Drzazgowski ,

I am writing you because my dad is really mad. He says they want to build a cell phone tower right next to my house. It would be right next door at 10510 W. Massingale Rd. He showed me where they want to build it and I would be able to see it from my bedroom window. That doesn't sound like a good idea to me. Why would you want to build one so close to my house?

Dad said we would have to move if it is built. I have never moved before, this is the only house I have ever known. All my friends live around here and I would miss them. Maybe they would have to move too.

I have seen pictures of cell phone towers and they are big and ugly. I don't want to look at one every time I open my curtains.

My dad says they can be very dangerous also. Radiation comes from them 24 hours a day and we would not be able to protect ourselves from it. Even the wildlife would be hurt by this radiation. I love watching the hawks fly all around the neighborhood and I'm afraid they might have to move, just like us. They also love it here and have been here as long as I have been.

Please don't let them build a cell phone tower here. My family already have cell phones and they work great. I don't think anyone needs a tower here.



Sincerely

Ty Lipphardt

Ty Lipphardt

10468 Massingale

Tucson AZ 85743

From: Jenny Birmingham [REDACTED]
To: [REDACTED]
Sent: Tuesday, October 15, 2024 at 06:22:28 AM MST
Subject: Letter of opposition

To Whom it May Concern:

I am writing in opposition to the installation of the T Mobile 80 foot cell tower on/near Massingale Road. I am a longtime friend of Amy Fiser (10641 W. Massingale Rd) and have spent time visiting her at her home. I was mesmerized by the gorgeous backdrop this area provided, and taken by the historical protection that covered this beautiful landscape.

I can't describe enough how detrimental this tower would be to the beautiful, natural surrounding near the saguaro national park. This installation would tower over the homes here, reducing their property values, impeding their views of Panther Peaks and affecting the preserved wildlife in the area.

In addition, there is no documented need for the proposed cell tower in this area. Residents already have 100% cell coverage.

Thank you for considering my input opposing this matter.

Jenny Birmingham

October 16, 2024

To: Planning & Zoning Commission

Re: My opposition to the permitting 80 Foot Cell tower at 10510 W. Massingale Rd, Tucson, 85743

Here are my comments:

- An 80 foot cell tower will be an eyesore and will block residents' views of SNP West, especially Panther Peak. This is a violation of Pima County Code 18.07.030H.
- There is NO demonstrated need for this installation as all residents report good coverage surrounding this location and coverage maps show no gap in service
- There will be significant reduction in property values immediately surrounding this site.
- Access roads to the tower, W. Massingale and Roxy Lane are not county maintained and regularly flood and wash out during monsoons. Not an appropriate location on this basis alone.

I urge you NOT to approve this permit for the cell tower. If you have any questions, please contact me at [REDACTED]

Thank you for your consideration.

Regards,

Kelly Taylor
Tucson, 85743

----- Forwarded Message -----

From: "Katie Wilhelm Vaught" [REDACTED]

To: [REDACTED]

Sent: Mon, Oct 14, 2024 at 10:56 AM

Subject: 80 foot cell tower

To the Planning and Zoning Commission:

I urge you to reject the planned
80 foot cell tower in Picture Rock, AZ.

The Pima County Code 18,07.030H spells out quite clearly "To maintain and preserve the existing unique attributes of community character...."

Obviously, an 80 foot cell tower would completely ignore that code and destroy the "character" of this beautiful, rural area.

What is the purpose of a Code if it is not adhered to?

I urge you to consider the impact the tower would have on this lovely community. Must we destroy all of nature's gifts for a structure that is not needed and is an intrusion on the beauty and serenity of a very special place on this earth.

I have very dear friends who live
at 10641 W. Massingale Road and
I have visited with them often.

I certainly hope their view of Panther Peak and the peacefulness and joy they so dearly love, will not be destroyed by this tower.

Most sincerely,

Katie Wilhelm
Borrego Springs, California
[REDACTED]

----- Forwarded Message -----

From: "Charles G Taylor" [REDACTED]

To: [REDACTED]

Sent: Thu, Oct 17, 2024 at 4:28 PM

Subject: Tower

Letter in opposition to the permitting of an 80 ft cell tower at
10510 W Massingale Rd, Tucson, AZ 85743 to Saguaro National
Park West, Arizona - Google Maps

This is in violation to the Pima County Code, §18.07.030H "To maintain and preserve the existing unique attributes of community character including ...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; and "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,"

- There is no demonstrated need for this installation; all residents report good coverage surrounding this location and coverage maps show no gap in service.
- Up to 20% reduction in property values immediately surrounding this site
- Access roads to the tower, W Massingale and Roxy Lane are not County maintained and regularly flood and wash out during monsoons. Not an appropriate location on this basis alone.

§18.07.030H (4)(g) " Towers shall be located with access to a publicly maintained road."

- Installation site intersects with 3 County designated protected xeroriparian areas Sonoran Desert - Riparian Communities (desertmuseum.org) and is part of a protected wildlife habitat. It is home to families of Harris Hawks who are protected under the Migratory Bird Treaty Act.
- The proposed type of camouflage (broadleaf, elm or eucalyptus) for the tower is not allowed at this site according to the County Code which specifies that camouflage must mimic native plants within buffer overlay zones.

Chuck Taylor AH6NR

[REDACTED]
Picture Rocks, AZ
[REDACTED]

James Reynolds

From: [REDACTED]
[REDACTED]

Sun, Oct 13 at 1:07 PM

To whom it may concern:

I was shocked and saddened to hear of the proposed 80' cell tower installation at 10510 W. Massingale Road. Its very close proximity to my residence is of great concern for many reasons. The eyesore of said tower will destroy our view of beautiful Panther Peak and surrounding scenery that we have so enjoyed for decades. It is the magnificent and peaceful setting that brought us to the Picture Rocks community, to purchase our home, in the first place. In addition, we are well aware that the tower would reduce our property value.

To date, we, and all our neighbor friends have had no issues with our cell phone coverage and do not see any need whatsoever for T Mobile's plan for this installation. Also, we are lovers of nature, which brings my additional concern for the protected wildlife habitat, already in place, that surrounds us.

Sincerely,
James Reynolds
10641 W. Massingale Rd,
Tucson, AZ 85743
[REDACTED]

Date: 10/15/24

To: Pima County Planning and Zoning Commission

From: Brad D'Emidio, 5547 W. Panther Butte St., Marana, AZ 85658

RE: Opposition to the permitting of an 80-foot cell tower at 10510 W Massingale Rd, Tucson AZ 85743.

Pima County Planning and Zoning Commission,

I am writing to voice my opposition to the permitting of an 80-foot cell tower at 10510 W Massingale Rd, Tucson AZ 85743. The tower is unnecessary and violates numerous Pima County codes as outlined below:

1. An 80-foot cell tower will be an eyesore to the entire community and all who visit there and violates Pima County Code, §18.07.030H "To maintain and preserve the existing unique attributes of community character including ...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; and "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,"
2. There is no need for this installation; all residents report good coverage surrounding this location and coverage maps show no gap in service.
3. Access roads to the tower, W Massingale and Roxy Lane are not County maintained. §18.07.030H (4)(g) " Towers shall be located with access to a publicly maintained road."
4. Installation site intersects 3 County designated protected xeroriparian areas and is part of a protected wildlife habitat. It is home to families of Harris Hawks who are protected under the Migratory Bird Treaty Act.
5. The proposed type of camouflage (broadleaf, elm or eucalyptus) for the tower is not allowed at this site according to the County Code, which specifies that camouflage must mimic native plants within buffer overlay zones.

As you can see, there are numerous reasons to reject this proposal and stop the tower from being constructed. Please do not approve this proposal.

Thank you for your consideration.

Brad D'Emidio

██████████

October 14, 2024

Pima County Planning and Zoning Commission

Re: Proposed Cell Tower, 10510 W. Massingale Road, Picture Rocks, AZ 85743

Dear Planning and Zoning Commission Members,

I am writing to vigorously oppose the construction of a cell tower at 10510 W. Massingale Road proposed by Vertical Bridge in partnership with T-Mobile.

My husband and I built our dream home in Picture Rocks ten years ago. We moved here because of the extraordinary natural beauty and access to Saguaro National Park. Now we are regularly faced with entities trying to destroy this special place and its community by the construction of unnecessary cell towers.

The cell tower would violate Pima County Code s18.07.030H in a variety of ways including a proposed form of "camouflage" that is not allowed in this location. The site of the proposed tower is within the Buffer Overlay Zone around Saguaro National Park and therefore is protected from this sort of "camouflage."

The impact on the neighboring properties would be great; it would loom over nearby homes, block mountain views and reduce property values. I think it is the responsibility of the Commission to protect the community not some commercial enterprise that has no stake in our community.

I am asking you to please block the tower.

Many thanks.

Donna Corbin

5700 N. Tula Lane

Picture Rocks, AZ 85743

10/15/2024

Pima County Zoning Commission
RE: 10510 W Massingale Road
#P24CU00007

Dear Zoning Commission,

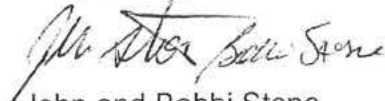
We, the residents of Picture Rocks understand that it is a responsibility and honor to live in the overlay buffer zone of Saguaro National Monument and Saguaro National Park, respectfully. It's probably the main reason most of us reside here. We are custodians and respect this precious, protected desert landscape adjoining the National Park. We expect our local Planning and Zoning Commission to do the same.

Do not permit Vertical Bridge to install an 80' cell tower in a residential area, blocking the view of iconic Panther Peak which glows auburn at sunset, lowers residential property values, built on access roads, (Massingale and Roxy Ln) which are not maintained roads. These roads wash out with each rainstorm which would create a potential calamity to electrical and or fire responders.

Not only is this tower proposal a violation of Pima County code 18.07.030H, it is not needed. If built, it will soon become obsolete but continue to disrupt wildlife habitats and block our views. This cell tower will negatively impact the character of the Picture Rocks community.

We plead with this Zoning Board to uphold zoning that restricts the construction of this tower at 10510 W Massingale Rd.

Respectfully,



John and Bobbi Stone
10131 W Picture Rocks Rd
Tucson, AZ 85743



October 12, 2024

Re: Opposition to proposed Vertical Bridge/T-Mobile cell tower installation at 10510 W. Massingale Rd.

Planning and Zoning Commission/To whom it may concern:

As a Picture Rocks resident for 23 years and homeowner at 10641 W. Massingale Rd., Tucson AZ 85743 since 2002, I am writing to state my vehement opposition to the permitting of a proposed Vertical Bridge/T-Mobile cell tower installation at 10510 W. Massingale Rd.

This proposed 80' installation would tower over area homes, reduce property values, block views of Panther Peak in the Tucson Mountains and would disrupt County designated wildlife habitats.

The proposed site is within the Buffer Overlay Zone around Saguaro National Park. The land intersects with 3 County designated protected areas and is part of a protected wildlife habitat. It is also home to families of Harris Hawks who are protected under the Migratory Bird Treaty Act.

I respectfully suggest that these reasons alone should be enough to deny permitting of this 80' installation. However, there are several other Pima County Codes in play against this proposal:

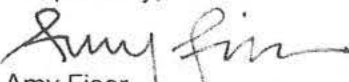
Pima County Code, §18.07.030H "To maintain and preserve the existing unique attributes of community character including ...landscape, hardscape and the size, scale and spacing of buildings and other structures that define the community identity of rural and residential neighborhoods, and to preserve property values in those neighborhoods; and "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,"

Pima County Code §18.07.030H (4)(g) "Towers shall be located with access to a publicly maintained road." Both Roxy Lane and W. Massingale Rd. are not County maintained roads and suffer severe damage during heavy rains.

Additionally, I would like to state that I have no cellular connectivity issues at my residence and I'm wondering if this proposal is motivated by profits and not by site-specific common sense.

For violating Pima County Codes, endangering protected wildlife habitat, proximity to Saguaro National Park and visually disrupting the desert landscape of this quiet rural neighborhood, I stand in opposition to this proposed Vertical Bridge/T-Mobile cell tower installation at 10510 W. Massingale Rd.

Respectfully,



Amy Fiser
10641 W. Massingale Rd
Tucson AZ 85743



7/7/2024

To: Thomas Drzazgowski,

I would like to express my concern about the proposed cell phone tower installation at 10510 W. Massingale Rd. I urge you to deny any permit applications to build at this address. Any installations in this area would detract from the natural beauty of living next to the national park.

Other wireless communication towers have been limited to major streets, with paved roads and commercial properties. This provides minimal impact to rural residential neighborhoods and their way of life. This would not be the case with the project on Massingale. There are no maintained roads. There are large washes that flood every monsoon season. There are homes surrounding the proposed site and the site is within the buffer zone of the national park. The negatives for this location far outweigh any positive for this site. In fact I can't think of one positive for this site. I urge you to halt the installation of the proposed cell tower.

Sincerely,

Joy Wilson

Joy Wilson

10480 W Anthony Dr.
TUCSON, AZ 85743

July 6th, 2024

To: Pima County Planning and Zoning Commission

Tom.drzazgowski@pima.gov

DSDPlanning@pima.gov

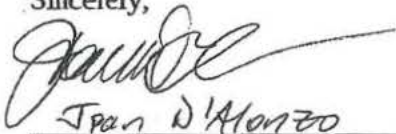
Ref:

Dear Commissioners:

I am writing to express my opposition to the proposed installation of the Vertical Bridge/Cherokee Pony 5G T-Mobile cell tower at 10510 W Massingale Rd, Tucson, AZ 85743. Vertical Bridge LLC proposes to install a 75-80' 5G cell tower in a serene, exclusively residential neighborhood with unspoiled desert landscapes and abundant wildlife. I have found no documented evidence that current cell phone service is insufficient for the area. With most acreage already built upon, future growth does not seem sufficient to warrant the cost to wildlife and residents, if this proposal goes forward.

Nearby Saguaro National Park and the neighboring land within view of the proposed cell tower site are draws for winter visitors and local hikers. Satisfied visitors bring their friends and associates as well as future residents to Tucson, providing revenue and employment for local citizens. To ruin this beautiful area with unnecessary commercial enterprises—in this case, an unneeded 75-80' cell tower—would benefit only Vertical Bridge LLC. Please preserve the fundamental qualities that make this area our home.

Sincerely,



Jean D'Alonzo
10500 W. Anthony Dr
Tucson, AZ 85743

July 6th, 2024

To: Pima County Planning and Zoning Commission

Tom.drzazgowski@pima.gov

DSDPlanning@pima.gov

Ref:

Dear Commissioners:

I am writing to express my permanent opposition to the proposed installation of the Vertical Bridge/Cherokee Pony 5G T-Mobile cell tower at 10510 W Massingale Rd, Tucson, AZ 85743. This proposed cell tower contradicts, and in my opinion, violates Pima County Code 18.07.030 Section H Subsection 1. This code aims to maintain and preserve the unique attributes of community character, including 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. It also seeks to preserve property values in those neighborhoods and minimize the adverse impacts of communications towers and related equipment on visually sensitive areas such as skylines, rock outcroppings, foothills, mountain backdrops, unique vegetation, streams, and natural drainage ways through careful design, siting, landscape screening, and innovative camouflaging techniques utilizing current and future technologies.

How can we let Clear Blue Services, representing Vertical Bridge LLC, install this cell tower? It's not what the residents want! The installation of this tower would adversely affect the scenic view, as many of us moved here for the rural community and its beautiful vistas. This structure would be an eyesore, causing visual disturbance and depreciating property values.

Please preserve the fundamental qualities that make this area our home!



Sincerely,

Robert Pledge
10500 W Anthony Dr
Tucson AZ 85743

7/17/24

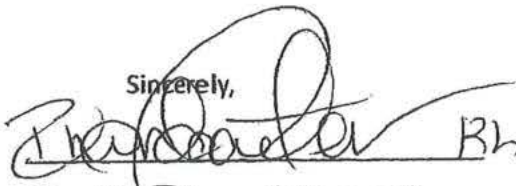
To: Tom Drzazgowski/ Pima County Supervisors,

I would like to express my dismay over the proposed Vertical Bridge cell phone tower at 10510 W. Massingale Rd. I do not understand why this area is being considered at all. There is no access to the site except for an unmaintained easement which has a large wash running across it. During monsoon season this easement routinely floods and makes it unpassable. Many times I have had to pull my car over and wait for the rains to stop before I could get home from work. How is a tower supposed to be maintained if no vehicle can safely get to it?

I have chosen to live in Picture Rocks (and I think the name explains it) for the picturesque views of the mountains and the national park. I am a painter and when the lighting is right I can sit in front of my canvas and try to capture the many hues of the Sonoran Desert as the sun moves across the landscape. People say the views are like looking at a postcard. The colors of the mountains are always changing depending on the time of the year. How are these scenic views going to look with a 75 foot tower right in the middle of it?

I urge you to consider the long-term implications of this decision beyond any immediate financial gains. The emotional toll of losing this scenic view will affect everyone in this area. We all cherish the character and appeal of our neighborhood and would hate to see it destroyed forever.

Sincerely,


Rhonda Carter
10455 W. Mars
Tucson, AZ 85743

7/17/24

Dear Thomas Drzazgowski/ Board of Supervisors,

I opposed the proposed project by Vertical Bridge & T-Mobile to build a cell phone tower at 10510 W. Massingale Rd. I believe the building of a 75 foot tower so close to an active quarry would be unstable and unsafe for the surrounding community.

The neighborhood around the site routinely is subjected to blasting and its ensuing vibrations. This has had an effect on my home and many others in the area. Living in a manufactured home I have had to have it releveled numerous times due to the vibrations from blasting in the quarry. My windows shake, my pictures on the wall move and some of my interior doors will not remain open due to the shifting of the ground. I have to use door stops just to keep them open. All of my neighbors have the same problem. People with brick and mortal homes have complained about numerous cracks in their foundations. My friends, who live a mile down the road can even hear the blasts and feel the shaking from the vibrations. The quarry has been here longer then I have, I have lived here 26 years, and there is no signs of the quarry going out of business anytime soon so this will be a long time concern.

Knowing that this is a desert and the soil is very sandy does it make sense to build a 75 foot tower within a few hundred yards of the quarry? What happens when cracks appear in its foundation? Does a 75 foot metal tower come crashing down in a residential neighborhood? This doesn't sound like the most stable location for a project such as this.

I think, from an engineering point of view, this proposed site should be denied and an alternate site should be considered. Who will be to blame when something tragic happens?

Sincerely,

Ali Carter Mike Carter

10455 W Mars

Tulson AZ 85743

July 4th, 2014

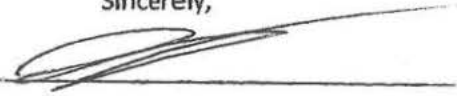
To whom it may concern,

I am writing with my concerns about a proposed cell phone tower project at 10510 W. Massingale Rd. I am annoyed and frustrated that I did not receive any notice from the county about this project. Many other people in the neighborhood also did not receive any notification. I ask that the county deny the request to build at this location. This is a rural area and we value the natural surroundings of this area. Simple things like walking our dogs or taking the family for a stroll will be forever ruined by the invasive unappealing industrial 75 foot tower piercing the sky.

I'm sure there are alternate sites that can be placed in business areas off of paved roads. We value our sense of nature in this neighborhood and our view of the national park. This tower would be deep into the 1 mile buffer zone that is mandated by the county around the park. You have to ask yourself how you would feel if it was happening to you.

I can't stress enough how much putting this tower here would be an infringement on you constituent's freedoms. I urge you to deny this project and allow us to enjoy the lives we moved here to enjoy.

Sincerely,



2715 N. Chevalier Pkwy Tol Unit 1

7/19/2024

Dear Thomas Drzazgowski/ Board of Supervisors,

I am frustrated over the news that a cell phone tower is being considered at 10510 W. Massingale Rd. by Vertical Bridge and T-Mobile. It would be a mistake to build one in this area and I strongly oppose the consideration of this project.

Our community is right next to the national park and we must protect the visual characteristics of this area. A tower would only e a visual blight residents would have to deal with every day. Pima County has rules regarding this and they should be followed. Any lack of concern on this matter by your office would be unimaginable.

For years I have been proud of my decision to move to Picture Rocks and have always encouraged my friends and family to visit me so they could enjoy the views of the park. I would take them for hikes on the many trails in the park that overlook my neighborhood. We would all take family photos with the park as background. If this project is approved I would be embarrassed to take them through the park. We would be looking down on a 75 foot tower squarely in the middle of what was once a scenic landscape.

How could you possibly consider this project? It would be an oversight on your part to not consider the natural beauty of this area. There are rules in place to prevent littering in the park and to stop vehicles from damaging pristine landscapes. Doesn't the building of a metal tower 75 feet tall in the Buffer Overlay Zone around the park fall into the same category of protecting the park?

Thank you,

Melissa Horton

Melissa Horton

10464 W MASSINGALE RD
TUCSON AZ 85743

7/15/2024

Dear Thomas Drzazgowski & Board of Supervisors,

I would like to express my concern and opposition to the proposed project at 10510 W. Massingale Rd. by Vertical Bridge/ T-Mobile. Placing a cell phone tower in the middle of a residential neighborhood is not the smartest idea and I'm sure will generate a lot of negative responses from those of us that live in close proximity to this project.

Many realtors have expressed their expert opinions about the depreciation of properties that are near such towers. Loss of property value in average is about 20%. Interest in such properties is much lower due to nearness to a tower. How am I supposed to compensate for such a monetary loss when it comes time to sell my property? I'm sure T-Mobile will not step in to make up the difference.

Why do you think there is such a depreciation in property value? First of all no one wants to look at a 75 foot tower from the front window of their home. The Picture Rocks community is surrounded by nature, that's why we live here. A tower is unsightly and would put a blemish on the views that we all have come to enjoy.

The wildlife would also be affected. There are hundreds of species that use this this area and Saguaro National Park (which is only 4/10th of a mile up the road) as part of their territory. Studies have shown that wildlife, especially birds, move away from such structures. Seems they are smarter than most humans. A tower would destroy the natural ecosystem around it.

The area around the proposed project is also difficult to access during inclement weather. The only access to this property is by unmaintained easements. The rains during monsoon season routinely floods these easements and residents have to wait until the washes stop flowing in order to get home. I think a site on a paved road would be a much better choice.

Please take these points into consideration when making your decision. It would be an error to move forward with this site.

Sincerely,

Jason Romo
Jason Romo

10464 W Massingale Rd
Tucson AZ 85743

7/7/2024

Dear Tom Drzazowski;

I recently discovered that there is a proposal by T-Mobile to install a cell phone tower in my neighborhood in Picture Rocks. The proposed project is to be placed on a property at 10510 W Massingale Rd.

Picture Rocks was the perfect location to raise a family away from the noise and pollution of the city. My family used to enjoy our view of the park. Now we are fighting to protect that view and keep a 75 foot tower from forever darkening what used to be a pristine area.

I am opposed to the installation of a cell tower at this location. I object because of the following reasons:

- 1) It will lower my property value
- 2) It will ruin my view of Panther Peak, as I am right in the line of sight of the property where the tower is proposed to be installed.
- 3) This tower would be very close to Saguaro National Monument, which should be a protected area. Those towers of course send radiation out quite a distance away and I believe this will be a detriment to the flora and fauna of this natural protected area.

Please DO NOT APPROVE this project! I can't imagine there is not a better place somewhere less sensitive, where fewer people will be impacted by the negative aspects of cell phone towers! I believe the County has a duty to prevent this type of imposition on the natural desert area and the lives of the people who live nearby.

Thank you! 

Sincerely,

Rosenda Pelejo

10667 W. Anthony Dr
Tucson, AZ 85743

To: Tom Drzazgowski, Chief Zoning Inspector and/or Board of Supervisors
7/3/24

I am a citizen of Picture Rocks , Tucson Arizona, I have been for many years, I am devastated to hear, there is a consideration for a 5G tower near my home. I am adamantly **opposed** to this. I am asking you to deny the proposal for Vertical Bridge, T Mobile from putting up a tower at 10510 W Massingale Rd Tucson AZ 85743. My home is a safe place for me, with rural views and wildlife. I want you to consider if you purchased a home and spent your life thinking you would always have a place and if this is considered it would change everything at my age I would have to suffer the consequences of someone else's greed. The majority of citizens in this area do not want to have to uproot, worry and be affected by this unnecessary 5G tower.

We do not have a gap in internet or cell coverage. I contacted others with T mobile now and they have no communication issues. There were 12 people at the meeting held by Christine Tucker, all of them were against this proposed project, with the quarry being right next to the area for the tower, half of the area would be vacant of houses, a waste an ineffective use of the tower, also it is Pima County tax payer money being spent this way. We also would have had more people to speak out against this useless and wasteful expense, Again we do not have a gap in our phone or internet coverage.

I am a taxpayer and a concerned citizen, I am Opposed to this tower.

~~Star~~ Carmen Rios carmen Rios
10617 W Ruthway Dr
Tucson, Az 85743

July 9th, 2024

Dear Mr. Drzazgowski,

I would like to express my utter disappointment in hearing of a proposed cell tower at 10510 W. Massingale Rd. Vertical Bridge is contracted by T-Mobile to head this project and basically push T-Mobile's agenda which is to make more profit for the company. NO ONE from Vertical Bridge or T-Mobile understands this community and its amazing attributes. I'm sure no one from either company has spent the time to research this area to find out it is not a good fit for a tower. They just want to build the tower and move on to the next project.

I moved my parents out here from the east coast so they could live out their lives in a peaceful natural setting surrounded by nature. I wanted them to get away from the overcrowding, the pollution and the increasing industrialization that is occurring there. Now you are considering building a 75 foot cell tower right in the middle of their view of the national park. Seeing such a monstrosity every day is not what I intended for them. These towers are not meant to be built in populated areas.

I'm sure you will be hearing from a lot of people who have their own reasons to object to this project so I don't feel the need to expand on them here. The health and well-being of the wildlife, preservation of the national park scenery, and the depreciation of property values are but a few.

Please consider all of these points before making a final decision.

Sincerely,

Carlos Garcia

106707 W Anthony Av

Tucson, AZ 85743

July 6th, 2024

Dear Sir/ Madam,

I am writing in opposition to the proposed Cell phone tower project by Vertical Bridge at 10510 W. Massingale Rd. I have not has any issues with connectivity of my cell phone service and I have never heard of any of my neighbors having issues with their service. T-Mobile claims there is a gap in service in this area and I disagree. I believe they are trying to use that as an excuse to build another tower. It is more about generating profits then providing customer service. I know of at least 5 cell towers in the Picture Rocks area already and there may be more. All are located off of paved roads and seem to adequately supply service to everyone in the area. Look at the data and see for yourself that there is no need for another tower here.

I frequently hike in Saguaro Nation Park which is just down the road from where I live. The scenery is amazing and the amount of wildlife is overwhelming. The signage within the park explains how littering is illegal, gates are in place to protect the park from dirt bikes and quads. It is obvious this area is meant to be protected for future generations. With that being said, why should a 75 foot cell tower be allowed in the Buffer Overlay Zone that is supposed to also help protect the park?

This proposed tower is too close to many neighborhood homes and will effect there property values. Going down by as much as 20%. I did not move here to allow T-Mobile to dictate the value of my home that I have invested a great deal of my time and money in. You must consider all aspects of this project before making a decision. Home values, environmental concerns, accessibility, wildlife habitat, scenic views, waste of taxpayer dollars to name a few. Thank you for your consideration.

Sincerely,

San Juana Garcia San Juan Garcia
10667 W Anthony Dr
Tucson, AZ 85743

Att: Planning and Zoning Commission,

7/5/24

I am reaching out to inform you of my disdain of the 5g tower being built at 10510 W Massingale Rd. How dare Vertical Bridge to consider this location and depreciating my property value by 20%. I moved out here to get away from the city, to enjoy the peace and quiet, seeing the desert wildlife in the morning while I drink a cup of coffee. I put my hard earned money into my land to enjoy with the possibility of selling the property. What would be the point of putting money into this property when I am going to lose 20%? How am I going to make a return on my investment? I am opposed to the tower being built and I hope you put my investment into consideration because if I am losing out then the rest of the community is losing out as well.

Thank you,

Edward Ja Kubcik
Ed Jakubcik
10,333 W Massingale Rd
Tucson AZ 85743

To: Tom Drzazgowski, Chief Zoning Commissioner

7/4/24

Hello,

I live in Picture Rocks AZ and I was notified about the T Mobile 5g tower by Vertical Bridge that is being proposed, it will be placed near my house. From the information given, it seems it will be very unsightly and an eye sore to our area. From an economical standpoint I see a risk in the value of our property going down. First because it will be " ugly" and very noticeable. Because it will be noticeable, it might scare potential buyers who may assume some health implications from the installations. I know there may not be proven or scientific facts to support health concerns, but potential buyers might still consider this a concern. From this standpoint, will homeowners be compensated ? Its my understanding the county code 18.07.030 talks about impact on community. **I believe they should not violate the investments that residents/taxpayers/constituents make in their homes.**

The proposed location at 10510 W Massingale Rd is approx. 40-50 feet from a quarry, half of the signal would be over the quarry. This is a wasteful way to spend Pima County and taxpayers money.

I ask you to deny all of the permits and proposal for this 5g tower.

Regards,

Sharon C-Tallman
10333 W. Massingale Rd
Tucson, AZ 85743

7/6/2024

Dear; Pima County Zoning Commission and/or Board of Supervisors

Please deny the proposal to erect a cell phone tower on Massingale Road in Picture Rocks, AZ.

I have lived in this area for over 20 years. It's a beautiful area and it is peaceful and not all cluttered up with industrial looking structures.

We enjoy our wildlife here. We have the Harris hawks that are protected living in our area. Some neighbors do obnoxious things that interfere with the nesting and peace of these beautiful birds such as shooting guns or setting off fireworks. But at least this is a relative rare occurrence. With a cell tower that thing is pumping out radiation 24/7 -- the birds will undoubtedly have to leave the area to get away from it. Birds are sensitive to electromagnetic fields. Not only that, there is research showing that the newer types of cell phone towers produce radiation that is damaging to birds and insects particularly.

I believe it is the job of the County to oversee the safe placement of these towers so that they don't interfere with wildlife in communities such as ours. Please read section H of the County code 18.07.030, where it says: "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."

Part of my property value has to do with there being not only a beautiful view, but also an abundance of healthy wildlife that is not threatened by a constant flow of high frequency radiation. This will impact not just the birds and insects but also the other wildlife. It is particularly harmful to insects though, and the bees are already having a hard time.

The only way to properly protect our neighborhood is to keep the cell towers out of it. Such towers do not have a place in areas like this that are valued for natural beauty and natural resources.

It doesn't seem to make much sense to put in a tower in an area with such a low population density either. Must be someone is going to benefit handsomely in a financial way to motivate even taking the effort to try to put in such a tower in a place like this. "Follow the money...." That's what you have to do when things don't make sense.

Please don't approve this project. It will ruin our neighborhood and damage the wildlife here. Rural areas are supposed to be rural!

Thank you!

Sincerely,

Angie Pelton
10450 W. Anthony Dr
Tucson AZ 85743

7/6/2024

Dear, Pima County Zoning Commission and/ or Board of Supervisors

I found out from a neighbor that a cell tower is proposed to be built at 10510 W. Massingale Rd, in my neighborhood, in Picture Rocks, AZ. I am OPPOSED to this project.

Please DO NOT approve it!

If a cell tower goes up in my neighborhood, the property values are guaranteed to go down. I know several individuals who have been in the market to buy a home in this area who literally won't even consider to buy property in the vicinity of one of these towers.

Cell towers are ugly, even when disguised as trees. And people just plain don't like them -- so much so that they will decline to buy a house anywhere near one. When you reduce the willing pool of potential buyers for a set of properties, you're going to see a drop in property values. My research shows this is around 20%.

What I don't understand is how you can even consider allowing one of these ugly, obnoxious towers in a neighborhood such as this when the county codes prohibit structures higher than 34 feet? Please see Pima County Code 18.14.040. Is there some kind of loophole that makes it okay for such a structure to be erected even though the codes clearly prohibit it?

We don't even have a proper road for access to a structure of that type. We only have a citizen-owned, citizen-maintained (NOT county maintained) road. It regularly floods pretty severely during the rainy season. So, what happens when the tower malfunctions or needs maintenance and the road is not passable??? Should citizens have to maintain the road for the benefit of wireless company?

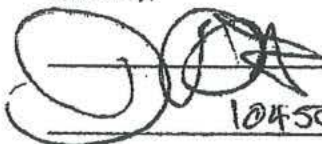
The companies that want to put their tower in a location like this don't give a damn about residents. Its all about profit with absolutely no regard for people. With such a project, a few individuals will benefit - ie - profit financially - while scores of residents are expected to accept a loss of their property value of around 20%. Additionally, they are faced with the eyesore that violates the County codes, and on top of it all most likely it is not safe to erect a structure like that in this area due to inadequate road access.

Approval of a project like this would make it look like the County just doesn't take its job seriously.

PLEASE DENY this proposal!! Protect our citizens, their property rights, and follow the codes set in place for everyone's protection.

Thank you.

Sincerely,



10450 W. Anthony Dr
Tucson AZ 85743

July 5, 2024

To Whom It May Concern,

I am writing today in reference to "Roxy Road" being utilized as entry point for an access road to the proposed T-Mobile Tower. "Roxy Road" is not a road and is not maintained by Pima County. It is an estimated 900 ft. north/south, single lane easement connecting an east/west moving Massingale Road in three different locations.

Approximately 260 ft. north of it's origin point at Massingale Rd., "Roxy Road" crosses an ~ 12 ft. wash prior to intersecting with Massingale Rd. a second time. "Roxy Road" continues north another ~ 620 ft. where it terminates at Massingale Rd. During moderate to heavy, sustained rainfall and because of erosion of the NW bank of the wash, this part of "Roxy Road" has a high probability of flooding.

The last ~ 50 ft. of "Roxy Road" is more narrow and composed of mainly soft, sand like dirt. Over the years, several vehicles from passenger cars to a commercial truck towing a bulldozer, have become stuck trying to turn around here. There is also no land available east of "Roxy Road" to act as a staging area for their land clearing machines.

Lastly, it seems senseless to destroy 3+ acres of an all inclusive, living, breathing, thriving desert ecosystem and replace it with an 80 ft. metal cell tower disguised as a fake tree bombarding our environment with radio waves 24 hours a day, 7 days a week. It will never go away.

While we as humans can make informed choices about what we do, we share this world with all manner of creatures great and small who have no voice and can make no choice regarding this matter. We humans, as their care takers, owe it to them to make the responsible choice and say no to this proposed T-Mobile Cell Tower. I can be reached via email: [REDACTED]

Respectfully,



Michael P. McMahon

10440 W. Massingale Rd
Tucson, AZ. 85743

Pima County Zoning Commission, Board of Supervisors

July 2024

To whom it may concern:

I am a homeowner and taxpayer who lives at 10440 W Massingale Rd and am writing concerning the permit for and construction of a communications tower on 10510 W Massingale Rd in Pima County by Vertical Bridge. This proposed 80-foot 'stealth' Broadleaf monopole, including the necessary service road, will diminish the aesthetics of our neighborhood while decreasing the values of many of our homes.

I am writing to voice my strong opposition to the proposed construction of this communication tower. As a direct neighbor to the proposed site, I believe this construction project will negatively impact our community and the surrounding environment while harming the wildlife and fauna in the area.

The erection of a cell phone tower in our neighborhood also poses a threat to the native species that have made this area their home. The electromagnetic radiation from the tower can disrupt the natural patterns of wildlife in the area and may have long-term effects on their well-being. Additionally, the construction process itself can result in habitat destruction, further endangering local flora and fauna.

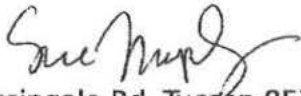
Furthermore, there are alternative locations for such infrastructure that would not encroach upon residential areas and sensitive wildlife habitats. We urge the relevant authorities to explore alternative sites that are situated away from residential zones and natural habitats to preserve the character of our community and protect the local wildlife.

As a concerned resident, I respectfully urge you to consider the valid concerns of our community. I am protesting this proposed project and request that the cell tower proposal be permanently denied.

Thank you for your attention to this matter.

Sincerely,

Sue Murphy



10440 W Massingale Rd, Tucson 85743

July 5th 2024

To who may concern,

I am writing to oppose a cell tower being built next door to my house. It will ruin my view when I'm outside.

Thank you,

Sedona Murphy *sedona MURPHY*

10440 West Massingale Rd, Tucson 85743

7/10/2024

To: Pima County Zoning Commission,

I can't believe that project such as the cell tower by Vertical Bridge at 10510 W. Massingale Rd. is even being considered. Has anyone even gone out to the site to see how much of a negative impact it would have on the community and the environment? I am deeply opposed to this proposed project and it should be denied immediately.

There are many washes that run through this area and it can make the ground unstable and impassable during monsoon season. The only access to this area is by an easement which is not maintained and runs straight through a large wash. People living in the area have to pull over and wait in order to get home. How will a tower in such a location be able to get serviced (or provide service) in an emergency? On this subject... everyone in the area already has cell phone service from many different providers. T-Mobile says there is a gap in coverage and this is not true. Do not allow them to twist their data to make you believe this tower is necessary. It is not!

I hope the zoning commission can look past the smoke screen being presented by Vertical Bridge in order to see the facts of this issue.

Sincerely,

Colan M

7719 N LYDIA AVE

TUCSON AZ 85743

July 8th, 2024

Dear Mr. Drzazgowski,

I am writing you today to express my opposition to the proposed cell tower project by Vertical Bridge at 10510 W. Massingale Rd. I feel that a 75 foot tower in an area that is known for its natural scenery wildlife would be detrimental to the neighborhood and its residence. No one in their right mind could see this project as a positive thing. Any attempt to camouflage the tower would not make it blend in to the surrounding environment. No native trees stand that tall, the area is supposed to be natural desert and a broad leaf covering to the tower will only make it stand out more. It will be an eyesore to the community. Please consider the fact that you will be allowing the placement of something that we will have the burden of looking at for the rest of our lives

Thank you,



CONNIE PAPPAS

7719 N LYDIA AVE

TUCSON AZ 85743

July 5th, 2024

To: Pima County Planning and Zoning Commission

Tom.drzazgowski@pima.gov

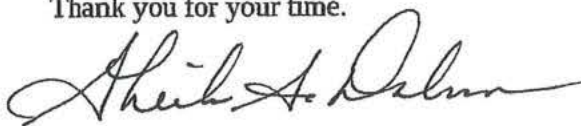
DSDPlanning@pima.gov

Ref:

Dear Commissioners:

I am writing to express my strong opposition to the proposed installation of the Vertical Bridge/Cherokee Pony 5G T-Mobile cell tower at 10510 W Massingale Rd, Tucson, AZ 85743. This project poses significant concerns for our community, including potential property depreciation of up to 20%, which could severely impact our ability to sell our homes. Additionally, the cell tower would detract from the scenic views that many of us moved here to enjoy, disrupting the rural charm and visual aesthetics of our neighborhood. It is crucial to protect the aesthetic quality of our community and preserve the value and beauty of our properties. I implore you to consider the detrimental impacts this tower will have on our community and your constituents.

Thank you for your time.



Sincerely,

Sheila S. Dobson
7606 N. Shaggy Tree Ln
Tucson AZ 85743

July 5th, 2024

To: Pima County Planning and Zoning Commission

Tom.drzazgowski@pima.gov

DSDPlanning@pima.gov

Ref:

Dear Commissioners:

I am writing to express my opposition to the proposed installation of the Vertical Bridge/Cherokee Pony 5G T-Mobile cell tower at 10510 W Massingale Rd, Tucson, AZ 85743. Companies often install such towers and then leave, showing little regard for the community's well-being. This installation will be damaging to local wildlife and fauna, particularly the Harris hawks that live in this area, which are protected under the Migratory Bird Treaty Act by the US Fish and Wildlife Service (USFWS). Studies conducted by the USFWS, including over ten articles available on the subject, highlight the harmful effects of such projects on these birds.

Additionally, the impact on birds and bees due to electromagnetic smog is well-documented, with honey bees unable to return to their hives, leading to colony collapse. Radiation impacts on wild birds have been documented, showing nest abandonment, plumage deterioration, locomotion problems, and even death, as noted by USFWS researcher Al Manville in 2016.

This proposal is driven by financial gain and greed rather than a genuine need to service the community, especially considering we do not have a significant gap in cell coverage. The potential negative effects on our environment and wildlife far outweigh any perceived benefits. It is crucial to prioritize the health and safety of our local ecosystem and community over corporate profits. I urge you to consider these points and reject the proposal for the 5G cell tower installation.

Thank you for your time and consideration.

Sincerely, 

Justin H. Fogel
7606 N. Shaggy Tree
Tucson AZ 85743

7/6/2024

Dear Tom Drzazgowski/ Board of Supervisors,

I am writing to present my objections to the installation of the T-Mobile 5G cell phone tower in my neighborhood in Picture Rocks, AZ. This cell tower is projected to be installed a few hundred yards to the West of my home.

I purchased my home in this neighborhood in 2021 and I chose this area in part because there were no cell towers. I was specifically seeking a rural area without the trappings of city life, including cell towers. I wanted an area with abundant local wildlife, and the unspoiled, natural beauty of the Saguaro National Monument. In fact I am only a short walk from the edge of the monument where I live.

If a cell tower goes up in my neighborhood, it will abruptly change the nature of the area where I live. Not only will it lower my property value (people *do care* whether there are cell towers around when they evaluate whether they will buy and this is likely a bigger factor in rural areas because people who seek to live in such areas are often specifically seeking unspoiled natural beauty). **My local landscape will go from "rural and pristine with abundant natural wildlife" to "hideous and urbanized with a failing natural ecology."**

When on a walk some months ago I found an eagle feather. I routinely find hawk feathers and see them flying overhead and nesting in a very tall tree on my neighbor's property. We not only have eagles here but also abundant other wildlife including hummingbirds, cardinals, phainopeplas, a variety of finches, hawks, owls, bobcats, foxes, mountain lions and a plethora of species of reptiles – toads, lizards galore, a few varieties of snakes. We have these lovely desert iguanas (they have a very specific habitat in this area and not in surrounding areas). Of course also, we have tarantulas, bees, monarch and other butterflies...and the list goes on. **There is no question that 5 G is damaging to wildlife.**

"The 5G frequencies have been shown to damage wildlife everywhere these towers are placed. The higher frequencies used in 5G technology are known to be particularly damaging to insect and bird populations. A 2018 study showed how the shorter wavelengths in higher frequencies are absorbed more easily by insects' bodies, creating a heating effect. There were increases in absorbed power up to 370% when the insects, including honeybees, were exposed to these frequencies, with detrimental effects on their behavior and health." (Statement to Full Council – Impact of 5G on Wildlife & the Environment, Sarah Greensides).

In a different study, researchers observed that after exposure to radiation from a cell tower for just 5-30 min, the eggs of sparrows were disfigured (AnuMeena Care Foundation).

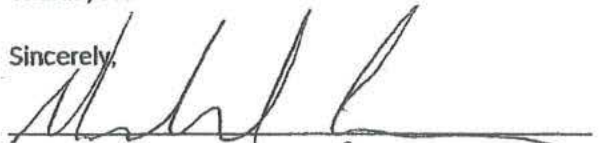
I say, leave the cell towers in the city. Rural dwellers don't want their neighborhoods cluttered up with cell towers. Our cell phones work fine as is! Also, we don't want the wildlife to be impacted nor for our property values to be brought down.

Finally, I would also like to point out that **the cost benefit analysis just doesn't work out in this particular location**, with half the signal going onto uninhabited land, and the tower serving exclusively T-Mobile wireless customers. That's doing a lot of damage for a very small benefit.

Please deny this proposal! It is bad from an ecological standpoint, it is bad for property values, and it produces very little benefit to cell phone users considering the detriments caused to the neighborhood.

Thank you.

Sincerely,



Michael Genic

[REDACTED]

7/16/24

Dear Tom Drzazgowski/ Board of Supervisors

I love living in rural Picture Rocks and I want to make known my objection to a T-Mobile 5G tower going up at 10510 W. Massingale Rd. near where I live. Some of the reasons that I love it here are the unobstructed view of the Sonoran Desert and its unique wildlife. It is beautiful here and I don't want the natural beauty to be infringed upon. Bee keeping is something that many people do here and I would also like to get into it. Local honey is my favorite! Electromagnetic smog produced by 5G has proven damaging to bees and birds, honey bees being unable to return to their hives (this is detrimental to beekeepers who are friends of mine).

Research shows that when these cell towers go up in a neighborhood that people's homes depreciate substantially in value. I feel that myself and other homeowners should be protected from this. Our homes are our biggest financial investments. I do not use and will not use T-Mobile and do not know anyone who does. T-Mobile is the only one who benefits here plus half the signal will go over the quarry and park where nobody will ever live. For my Pima County tax dollars to be used for this is absurd and a waste of money. Please keep the city out of our beautiful rural area. This is why we live here and not the city.

Thank you for hearing my objection and concerns.

ym Stoffel

Sincerely,

ym Stoffel, name

6875 N mixer way

Tucson AZ 85743

To: Thomas Drzazgowski/ Pima County Supervisors,

I am writing to express my strong opposition to a proposed project to build a 75 foot tall cell phone tower by Vertical Bridge/ T-Mobile at 10510 W. Massingale Rd. Any tower being built in this community, which is right next to Saguaro Nation Park would be detrimental to the aesthetics of our neighborhood.

There has been a lack of communication with home owners about this project. I have heard of no public notices or public hearing about this. Are they being eliminated to streamline the procedure? Does it not matter anymore what the community, which has to live with the county's decision every day feel about such an intrusion into our lives. Our opinions on this cannot be disregarded.

Our property values would decrease, our lifestyles will change forever. Many of us will have to move. Please consider the many lives that your decision will be affecting. Our opinions matter and we are the people who voted you in office to speak for us.

Sincerely,

Hannah

Hannah Martinez

10469 W Massingale Rd Tucson AZ 85743

To: Zoning Planning Commission,

7/3/24

I am so distraught at the thought of a 5g tower being built at 10510 W Massingale Rd. I moved to a rural area to enjoy the view of the Saguaro National Park. Now there is a possibility of a 75 foot tower to block my view. Once I walk out my door and look around there will be this giant monstrosity. If I wanted to look at fake metal trees I would have moved into town where I am seeing more and more towers. Try to mask it all they want it will always be unnatural to the surrounding area. Please listen to the people and keep the area in its natural state so all can enjoy the beauty of Saguaro National Park.

Thank you,

Damon Welch Damon

10501 W ANTHONY DR
TUCSON AZ
85743

July 8th, 2024

Dear Mr. Drzazgowski,

I am writing you today to express my opposition to the proposed cell tower project by Vertical Bridge at 10510 W. Massingale Rd. I feel that a 75 foot tower in an area that is known for its natural scenery wildlife would be detrimental to the neighborhood and its residence. No one in their right mind could see this project as a positive thing. Any attempt to camouflage the tower would not make it blend in to the surrounding environment. No native trees stand that tall, the area is supposed to be natural desert and a broad leaf covering to the tower will only make it stand out more. It will be an eyesore to the community. Please consider the fact that you will be allowing the placement of something that we will have the burden of looking at for the rest of our lives

Thank you,



CONNIE PAPPAS

7719 N LYDIA AVE

JUCSONE AZ 85743

7/3/24

Att: Zoning,

I am sending this letter opposing the 5g tower at 10510 W Massingale Rd. Not only does this tower drop property value by 20%. It is also detrimental to the surrounding environment. Electromagnetic radiation will affect the Harris Hawks, they can experience abandonment of nests, have locomotion problems and reduced survivorship. The area is full of quail, hawks, doves, and hummingbirds. This was their home first and if we add the tower they will die . Please put the wildlife first and remember hawks are protected by the Migratory Bird Treaty Act of 1918. Please put my opposition for the tower into consideration and save the wildlife in the area.

Thank you,



Kerth Winans
10230^w Massingale Rd
Picture Rocks AZ
85743

Pima County Supervisors/ Thomas Drzazgowski

I recently heard of a proposed project by Vertical Bridge to build a 75 foot cell tower in my neighborhood at 10510 W. Massingale Rd. I do not support this proposed cell tower. Vertical Bridge's request to build at this location should be denied by Pima County and the zoning board. There is no need for additional cell phone coverage in this area. I have heard of no complaints from my neighbors and talk to them frequently.

Vertical Bridge said that there was another site that was considered but wanted to pursue this one. This site seems to have many issues that would make it a bad choice for zoning to approve.


I never received any notice of this proposal nor any neighborhood meeting about it. It sounds to me like Vertical Bridge is trying to pull the wool over our eyes in an attempt to green light this project without opposition. The representative from Vertical Bridge that I did talk to was extremely vague about their plans and deflected most of my questions. Since the county has final say on this project I would hope that you would consider the many issues you constituents have about building a tower in this area.

This area of Picture Rocks butts up against the northwest corner of Saguaro National Park. The proposed tower is only 4/10th of a mile from the park. The aesthetics for viewing the park and its amazing natural scenery would be completely destroyed.

There are many species of wildlife that frequent the area due to its proximity to the park including bobcats, coyote, javalina and many bird species. One that has made the area around the proposed tower site its home is the Harris hawk. This protected species has nested in trees on the property next to the proposed tower site for over 20 years

I have read documents from many realtors that have expressed their concerns over devaluation of properties around cell phone towers. Properties could decrease by as much as 20% after construction. If you were to look at housing costs in today's market this would be a substantial loss in your investment. Many buyers will just drive by properties near a cell phone tower.

There are so many things to consider about the peace and safety of everyone that lives here. It is not about 5G cell phone coverage or the profits of T-Mobile.



Sincerely,

Robin E. Nicholson

10230 W. Massingale Rd

Tucson, Az. 85743

Pima County Supervisors/ Thomas Drzazgowski

I am opposed to the proposed cell tower at 10510 W. Massingale Rd. The county should permanently deny Vertical Bridge's request to build at this location.


My property value could decrease by as much as 20% after construction. It will also decrease any interest from potential buyers of my or any other properties around this tower. With all the time and money I have invested in upgrading my property over the years it is unfair to allow Vertical Bridge to come in and depreciate all of my work.

My view of the national park and panther peak will be obstructed by the proposed tower. One of the main reasons I moved to this area was for the scenic view. I believe this tower would land in the Buffer Overlay Zone which would prohibit the building of such tower.

Considering the low population density in this area and the accessibility to cell phone signal in the area there is no need for a tower. This is just T-Mobile trying to force 5G signal into the area. Every neighbor that I have talked to has great cell phone signal.

Please take the appropriate steps to deny this proposal and allow your constituents to resume our lives without the threat of this eyesore being built in our back yard.

Sincerely,


Cathy Joh Curran

10392 W. Massingale Rd.

Tucson, AZ 85743

To: Mr Tom Drzazgowski
7/1/24

I would like to object to the 5G T Mobile tower being considered at 10510 W Massingale Rd by Vertical Bridge. This has been my neighborhood for many years. I am here because it has scenic views and landscape. The tower will obstruct our views, devastate property values, and violate our privacy.

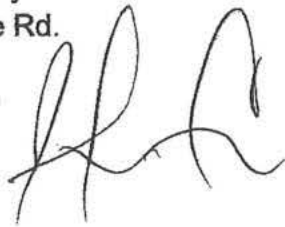
These towers emit pulse-modulated microwave radiation 24 hours a day and represent the newest source of environmental pollution in Tucson. The tower will negatively impacting property values, I have researched this with local real estate agents and they have said property values can depreciate by up to 20 %. Most buyers will not even consider this, per agents.

The tower will change the entire future for our wildlife, not to mention blocking our beautiful mountain views.

There are many Harris hawks here that I am used to sharing my space with, the Migratory Bird Treaty Act protects the hawks through USFWS. I implore you to read the studies done by Al Manville ,USFWS, the study for birds and bees is devastating to hear. The birds will have nest abandonment, locomotion will fail, plumage deterioration and death, The honey bees are unable to return to their hives and colonies will collapse.

I implore the board to deny this proposal, I am a taxpayer and a constituent of Pima County. I ask this commission to deny the proposal for 10510 W Massingale Rd.

Thank you,



JOHANNA CURREN
10392 W MASSINGALE RD



July 5th, 2024

To whom it may concern,

As a long time T-Mobile user and resident of the Picture Rocks area I find it ludicrous that Vertical Bridge is proposing building a cell phone tower at 10510 W. Massingale Rd. for T-Mobile. I have never had a problem with signal in the area and do not see the need for the constructing of this tower. It is an unnecessary expensed for the taxpayers and will cause much more harm than good. I am strongly opposed to this project in my area.

This is a very scenic area with great views on the nearby mountains within the park. A 75 foot tower would destroy the natural beauty of the area.

The impact of wildlife in the area must also be considered. Many species that can only be found in Southern Arizona reside in this area next to the park. Living in harmony with these creatures is one of the most amazing parts of sharing this area with them. This area is less than ½ mile from the national park boundary. Not a great place for a cell tower.

Again, I am opposed to this project and alternate sites should be considered.

Thank you, *Margaret A. Macleish*

Margaret A. Macleish

10909 W. Anthony Dr.

Tucson AZ 85743

7/16/24

To: Tom Drzazgowski/ Pima County Supervisors,

I am opposed to the proposed Vertical Bridge cell phone tower at 10510 W. Massingale Rd. The aesthetics of the Picture Rocks area are unique and should be preserved for all to enjoy. The placing of a 75 foot tower so close to a national park and it's surrounding natural environment would be devastating.

As an avid gardener I spend many hours tending to my plants. My porch and front yard a full of colorful vegetation that not only gives me lots of pleasure but also attracts native wildlife. The hummingbirds are one of my favorites. I love to watch them drink from my flowers every day. There is a family of Harris hawks that have been residence of this community for a long time. I have seen them raise many generations over the years. Watching them learn to fly and hunt has been a complete joy. This is their home too. I have read that these towers can affect bird species in many ways. I would be extremely sad if the view of my front yard was marred by the installation of a tower and my birds were forced to move away from such a danger to their way of life.

The backdrop to our lives here in Picture Rocks is the pristine Sonoran Desert and Saguaro National Park which has been an integral part of what makes this area unique. The natural splendor that defines this community would be forever lost because of one tower.

Please, this tower can be located somewhere else where it would not affect the aesthetics of this great community.



Sincerely,

Jake Avenenti

10241 W Anthony Dr

85743 Tucson, AZ

Pima County Supervisors/ Thomas Drzazgowski

My biggest concern about the proposed project by Vertical Bridge to build a 75 foot cell tower in my neighborhood at 10510 W. Massingale Rd. is the devaluation of my property and home. I have worked my entire life to finally have something I can call my own, be proud of the work I have done and maintain it. I chose a great neighborhood with a beautiful view of the national park where I could raise a family and have them grow up in a natural environment. Now I hear that Vertical Bridge and T-Mobile want to build a 75 foot 5G cell phone tower just a few properties away from my dream. At the onsite meeting about the project the representative from Vertical Bridge was not sympathetic at all about the issues that others brought up and was extremely dismissive and evasive. At one point she said this project was a "done deal". Understanding a little about the process of applying for a project I know that a proposal has to be sent to zoning and possibly the Pima County Supervisors. So, it sounds to me she was really trying to squash any opposition to her by lying to our faces.

There were a lot a great points brought up at the meeting by my neighbors: protection of wildlife, buffer overlay around the national park, lack of need due to low population density in the area, waste of our tax dollars on an unnecessary project.

We were told by the representative that another site was being considered but she chose this one. I think it is time for Vertical Bridge to move on to another option. She clearly didn't want to make any more effort pursuing another site and was attempting to force this issue.

Sincerely, *Charline Galloway*

Charline Galloway

10660 W Massingale Rd

Tucson AZ 85743

To: Chief Zoning Com. Tom Drzazgowski

I would like to file my objection to the 5G tower being considered at 10510 W Massingale Rd Tucson AZ 85743. The meeting with Vertical Bridge was a complete manipulation of the facts, it was a disgrace. The county should consider denying permanent access to Vertical Bridge, Christine Tucker for impersonating the county with a letter implying it was a county meeting.

The Tower will not benefit the community, actually the negative impact will be off the charts.

- we have no gaps in service here in picture rocks.
- the risks are not clear for the living beings, there are studies for wildlife that are detrimental
- the taxpayer/county money spent will be a outrageous waste, half the signal goes over the quarry.
- property values will be adversely effected or homes may not be considered
- FCC regulations from 1996 are outdated, they do not give accurate safe levels for current 5G usage.

I am pleading with this board to see the tower is not needed to signal an empty quarry. It is .4 miles from the Saguaro National Park, the tower is in the buffer overlay zone. The community is sparsely populated. Deny this application/proposal, do not allow this location for the tower it is senseless and all about money. I object to this 5G tower.

thank you,

Charline Knagge

Charline Knagge

10390 W. Massingale Rd.

Tucson, Az. 85743




7/1/24

ATT: Planning and Zoning Commission,

I am reaching out in opposition of the 5g Tower at 10510 W Massingale Rd. This tower not only depreciates the value of the property but will be an eyesore to the surrounding rural area. People move to these areas to enjoy the scenery and not a 75 foot metal tree that does not match the natural beauty of the area. This tower will 100% ruin the scenic view and I personally will be highly disappointed if this tower gets approved. Please listen to the people and reject this proposal so we can keep our beautiful surroundings.

Thank you for your time and consideration.

James Burnett 
10461 W Massingale Rd
Tucson AZ 85743

Tom Drzazgowski -Zoning Commission,

7/4/24

I am disappointed that the 5g tower has a possibility of being built at 10510 W Massingale Rd. The people in Picture Rocks have service. There is no gap and 5g is not a requirement. If you approve this you will ruin the property value and waste tax payer money. I am sure our money could be used elsewhere in Pima County like fixing the roads or making sure our schools are funded for the kids to have better education. I am opposed to this tower being built and hope you will consider what the community has to say.

Thank you.

Julia Jacobs

Julia Jacobs

10380 W. Massingale Rd.

Tucson, AZ 85743

[REDACTED]

July, 2024

To: Pima County Zoning,

I am writing you today to express my opposition and concerns about a proposed cell phone tower project by Vertical Bridge at 10510 W. Massingale Rd. This area has numerous washes that run through it and many times there is no access because of it. And knowing the storms and amounts of rain that this area can get during monsoon season I don't think a tower at this location is the most logical choice. Even in good weather the only access to this property is by an easement which is primarily soft sand and not maintained by anyone. How is this tower going to be maintained during an emergency if the washes are running? There are a number of paved county maintained roads in the area which would make much more sense than this location. I urge you to consider these points when making your decision.

Sincerely,



MONICA THOMPSON

12478 W. PICTURE ROCKS RD

TUCSON, AZ 85743

To: Mr Tom Drzazgowski
7/2/24

I live very close to 10510 W Massingale Rd, being considered for 5G T Mobile cell tower. I vehemently object to having this tower in my neighborhood.

This tower would be off a dirt road that is an easement, it is not County maintained the residents own to the middle on either side. During the monsoon this road/wash floods and is not accessable. I believe you need constant access to the tower.

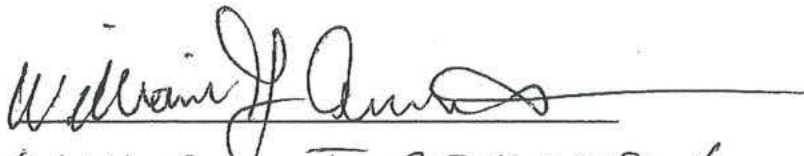
The location is completely unacceptable, the quarry will receive 1/2 of the signal which is an inefficient use of Pima County funds. It has a low population density and the neighborhood has a range of internet and phone servers that are effective.

We live here in this community to be rural, to have wildlife and landscape around us, I dont want the buzzing of transformers. the intrusive tower with fake leaves, depreciating the value of my home.

Zoning commission, Tom, BOS, please listen to the community Vertical Bridge is just in it for the money, They lied and manipulated the information at the meeting and still the community saw through it.

Vote to deny this proposal, stand with the residents, I love my life here this would truly be devastating.

Thank you,


WILLIAM J ARMSTRONG
10481 W-MASSINGALE
TULSON AZ 85743

July 5th, 2024

To: Pima County Planning and Zoning Commission

Tom.drzazgowski@pima.gov

DSDPlanning@pima.gov

Ref:

Dear Commissioners:

I am writing to oppose the proposed installation of the Vertical Bridge/Cherokee Pony 5G T-Mobile cell tower at 10510 W Massingale Rd, Tucson, AZ 85743. Our community does not have a significant gap in cell coverage, as all residents already have service, making this tower redundant. Additionally, there are alternative locations available that have faced no opposition and are more densely populated, which is more suitable for such installations. The proposed tower's signal will be wasted over the quarry and national park, effectively rendering half its coverage useless. This is not an effective use of Pima County and taxpayer money, which could be allocated more efficiently elsewhere. The opposition to this project would have been even greater if not for the quarry occupying half the area. I hope you agree this is wasteful and an unnecessary use of our county and taxpayer money.

Thank you for your time.

Sincerely,



FRANCES SCHLACK
10300 W. ANTHONY DR
TUCSON AZ 85743

July 2024

To Whom it may concern,

I'm writing to oppose the proposed construction of a cell phone tower on the 10510 W Massingale Rd property. Among the reasons that I so strongly disapprove of this project are:

1. Decreased property value - living close to cell towers has been found to reduce property values.
2. Impact on scenic views - those of us who live out here have chosen to do so for a reason, mostly for the scenery and closeness to nature. We have opted to trade the conveniences of living closer to the city for a quieter, more beautiful way of living. An 80-foot cell tower disguised to look like a Broadleaf tree is exactly what we moved here to get away from.
3. Taxpayer money - my tax money should not be spent on things for which I oppose.
4. Impact on wildlife - a cell tower will disrupt the migratory patterns and habitats of the native species, including Harris Hawks, Verdins, Gila Woodpeckers, and Cactus Wrens who frequent the area.
5. Access - the proposed access road is not county-maintained: it frequently floods, especially during monsoon season.

This is just a short list of reasons why our neighborhood is not a good or viable location for a cell tower. By signing below, I want it known that I strongly oppose the proposed communications tower and am asking that it be permanently denied.

Respectfully submitted,

Nicole Lowery Name

10720 W Massingale Rd Address
TUCSON, AZ 85743

7/2/2024

To whom it may concern,

I am opposed to the communication tower being proposed at 10510 W. Massingale Rd. Its sad to say but these corporations do not care about the community that we are in. They come and build a tower then leave, while everyone that is here is stuck looking at a hideous fake tree. Why ruin the good scenery this place has to offer to build such a thing. I moved to be by the Saguaro National Park knowing that my scenic view will not be tampered with. If you approve this what will stop them from trying to build something else. If I wanted to live on the other side of the mountain near Continental Ranch, I would have but I like my space and the view. I hope you deny this proposal and keep our rural neighborhood from hideous fake trees.

Thank you.



WILBERTA MESSAMORE
7585 N. SHAGGY TREE LANE
TUCSON, AZ 85743



To: Tom Drzazgowski, Zoning Commission,
7/5/24

I would like to express my concern about the installation of the 5G wireless T Mobile Vertical Bridge tower in our neighborhood. I am opposed to the tower it is extremely large and unsightly. In a rural community with amazing scenic views and landscape, mountains. This 80 ft tower would significantly detract from the beauty of our neighborhood, it will also depreciate the value of the homes. To date all most towers have mostly been limited to densely populated areas, but these recent proposals appear to encroach within the rural communities. We must strive to promote the beautification of Picture Rocks Area, and one way of doing this is by keeping our views.


I have recently done improvements on my home, having no plan to ever leave, this is where I want my family to enjoy life and have special times, we hike and take photos of wildlife. this will truly destroy our plan for the future.

We do not have a gap in cell/internet coverage here in our area. We have multiple, cell and internet services including fiber optics. It is my understanding we will have more underground fiber optics soon in our area soon.

I urge you to halt the installation of the proposed T Mobile 5G tower at 10510 W Massingale Rd

Thank you in advance for your consideration,

Regards,


Pat Chacon

2665 N Pale Stone Pl

Tucson, Az 85743

7/7/2024

Dear Board of Supervisors/ Tom Drzazgowski;

I am writing to let you know that I oppose an installation of a cell phone tower at 10510 W. Massingale Rd. near my home in Picture Rocks.

I believe this is a really bad idea and will cause problems down the road. My family and I picked this location to move to for its natural scenery and rural setting. I wanted my kids to grow up to respect and appreciate nature. Everyday there is an assortment of wildlife in the area: hawks, owls, hummingbirds, doves, etc. Now there is the possibility of a 75 foot metal tower right in the middle of their habitat which will drive many of them away. How can I explain that to my kids? How do they learn respect for nature when the county allows this to happen?

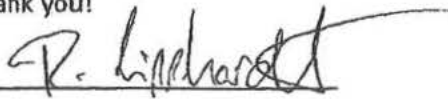
Cell phone towers just should not be installed in residential areas. That's my view. I mean, if we aren't going to start allowing all sorts of codes to be violated, like, say, allowing a company to put in a restaurant in our neighborhood, or perhaps a factory, then why a cell tower?

There are reasons for the codes that govern what can go into a residential community. Cell towers are huge and they are ugly, and they put out all this radiation that can't possibly be safe for animals or people to be exposed to day and night. It's one thing if you drive by one of those things on a highway or street, but another entirely to be living near one of these things. Where's the proof that they are safe? If it turns out not to be, then who is going to be held responsible? I doubt residents would have recourse. It'd just be another case of ordinary people suffering for the profits of huge corporations. The county should not allow it.

It's also a bad idea because of the nature of the area. It's a rural area. It's very close to the Monument. People move out here to get away from things like cell towers.

Please DO NOT APPROVE!

Thank you!



Ryan Lipphardt

10468 W. Massingale Rd.

Tucson AZ 85743

7/1/2024

Greetings Tom Drzazgowski,

I am reaching out because I am opposing the Vertical Bridge mobile tower being proposed at 10510 W Massingale Rd. I would never have thought this would happen near my area but clearly, I was wrong. Not only does the tower will lower the value of my property but it will also be deadly to the wildlife in the area. When Vertical Bridge comes to clear a path, they will have to destroy the homes that belong to coyotes, javelina, roadrunners, and quail. I have seen them all passing through the area because this is their home. How much land must we destroy for the convenience of a cell phone. That's why we live in a rural area, to get away and enjoy the calmness nature has to offer. I strongly oppose this mobile tower and hope you think of the people when its time to vote.

Thank you.



10408 W Massingale Rd
Tucson, AZ 85743

Jessica Lipphardt

7/21/24

Dear Mr. Drzazgowski,

I want to express my opposition to the proposed cell phone tower project by Vertical Bridge & T-Mobile at 10510 W. Massingale Rd. My family has been very upset since learning about this project which would build the tower directly west of us on the adjacent property. We would literally be living in the shadow of this tower. I do not want to see our lives change because T-Mobile feels the need to make more money.

Depending on your final decision on this matter my parents say they would consider moving just to get away from it. My younger brothers are very upset and don't even understand why our family is being affected like this. We all enjoy our lives here in Picture Rocks and just wanted to have a peaceful existence and enjoy our time together. Now we are faced with the cruel reality of possibly having to pack up our entire existence and find a new home. Do you know how hard it would be to move everything we have, our belongings, our pets, our entire lives to somewhere that is safe? We would have to start our lives all over again. I don't think that would be fair to us and shows a lack of concern from all parties involved.

My brothers and I have the best environment to grow up in. We have the national park just up the road with a great view of Panther Peak. We have wildlife that visits all the time including owls, hawks, bobcats, javalina and others. We have learned to respect nature and understand that we are part of it. This project will drive these animals away and create a void in our lives.

It is sad to think that human greed could possibly have an effect on so many. The lack of concern by so few can affect so many lives. What kind of lesson is this teaching my younger brothers if they see that their opinion doesn't matter? How will this affect the way they view life as they grow up. The world is supposed to be an amazing place filled with opportunities for the future. Don't let this chance to positively change their lives slip through your fingers.

Sincerely,



Richelle Lipphardt

10468 W Massingale rd

TUCSON, AZ 85743

7/19/24

Dear Mr. Drzazgowski,

A neighbor came by my house today to talk to my dad. They were talking about a cell phone tower that T-Mobile wants to put up at 10510 W. Massingale Rd. That is on the land right next to my house. I don't want it there and I am against it.

We had a family meeting so he could explain it to us and it sounds very scary. It is supposed to be 75 feet tall and they want to hide it by making it look like a tree. We don't have big trees like that in the desert so it would look very out of place. He said we may have to move because of it and I don't want to. All my friends live around here and I love being so close to the national park. I am also afraid I might have to go to another school if we move. I work real hard in school and it would be hard to start over in a new one. I have lots of friends there too and I would be very sad if I couldn't see them anymore.

I read on the internet that birds could lose feathers and their eggs won't hatch because of the increase in radiation by the tower. There are so many birds that live here and build nests. Where would they all go? I guess they would have to go to the park where it is safer. I would miss them.

I hope you don't let them build a tower here.

Sincerely,

Lucas Martinez

10408 W Massingale Rd

Tucson, AZ 85743

July 20, 2024

Dear Zoning Commission;

I'm writing to ask you not to approve the placement of a cell phone tower on Massingale Road in Picture Rocks, AZ. The location I believe is at 10510 W Massingale.

I'm frankly horrified by the idea of a tower like that going up in my neighborhood. I'm a retiree and I've lived here for 22 years. My hobby is photography. I take pictures of the landscape mostly – for example the beautiful mountain ranges that can be seen from this area – , but also of course I like photographing the sunsets, sunrises, and wildlife. That tower is going to really disturb me, both because it will be an ugly mark on our currently peaceful landscape, and also because it will unsettle my mind.

I wanted to live in the country, away from all the dirt and chaos of the city. That's why I bought my home here when I retired. I wasn't a crazy nature lover when I bought my house here but I've come to love this desert and I don't like to see it messed up by a cell tower. Cell towers just don't belong in this environment. Its kind of like putting in an office building or an apartment complex out here. It doesn't fit. It feels wrong.

Besides wrecking the view and looking out of place I think there are other hazards associated with those things. For example, I wonder how the blasting at the quarry might affect a tower of that size. Is that safe? I doubt it. My house shakes every time they set off a blast. So I'd imagine that any tower installed is going to be affected too.

We tend to think in the modern world that things can't go wrong...like the engineers have got it all figured out. But I think we're starting to see more and more these days that kind of logic doesn't pan out a good portion of the time. I mean, look at all the industrial accidents and the train wrecks (literally and figuratively) that have occurred in recent decades.

So, say we have this 80 feet high tower in our vicinity and something goes wrong. Whether its blasting or flooding or a tremendous windstorm (did you know we have insanely high level winds out here sometimes?) or just the discovery that a cell tower has some kind of harmful impact on human or animal health. Then what? Is anyone responsible at that point or is it just a case of "too bad" there was an accident, or you got a serious illness connected with this or the flooding undermined the foundation of the thing and it fell on your house....I hope I'm making sense here.

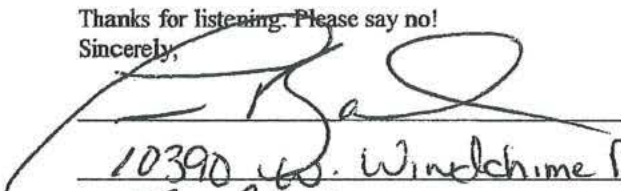
So that's what I mean about being horrified that a tower like that could be placed in a residential area like this. Technological monstrosities like cell towers can potentially cause problems. These things have a certain potential to do harm, like any other piece of technological and mechanical engineering. And in my experience, companies that are involved in these endeavors are usually rather slick and often able to avoid taking any responsibility for things that go wrong. Plus when something goes wrong, even if you are paid damages, it doesn't necessarily get you your health, or your house or your undisturbed life back.

If that tower gets installed, I think I'll be wanting to leave but doing so would be pretty hard at my age. And with the crazy economy it would be really hard to find a new place to live that I can afford for what I'd get for this property.

Please just say no to those people who want the tower in our neighborhood. Let 'em install it in THEIR neighborhood. We don't need it or want it near us. I've spoken to my neighbors and they feel just like I do, even though they aren't writing to you.

Thanks for listening. Please say no!

Sincerely,


10390 W. Windchime Dr Tucson AZ 85743
Tim Backus

To: Tom Drzazgowski, Chief Zoning Inspector and/or Board of Supervisors
7/3/24

I am a citizen of Picture Rocks , Tucson Arizona, I have been for many years, I am devastated to hear, there is a consideration for a 5G tower near my home. I am adamantly **opposed** to this. I am asking you to deny the proposal for Vertical Bridge, T Mobile from putting up a tower at 10510 W Massingale Rd Tucson AZ 85743. My home is a safe place for me, with rural views and wildlife. I want you to consider if you purchased a home and spent your life thinking you would always have a place and if this is considered it would change everything at my age I would have to suffer the consequences of someone else's greed. The majority of citizens in this area do not want to have to uproot, worry and be affected by this unnecessary 5G tower.

We do not have a gap in internet or cell coverage. I contacted others with T mobile now and they have no communication issues. There were 12 people at the meeting held by Christine Tucker, all of them were against this meeting, with the quarry being right next to the area for the tower, half of the area would be vacant of houses, a waste an ineffective use of the tower, also it is Pima County tax payer money being spent this way. We also would have had more people to speak out against this useless and wasteful expense, Again we do not have a gap in our phone or internet coverage.

I am a taxpayer and a concerned citizen, I am Opposed to this tower.

Respectfully,


Anne Martinez
11622 W. Ina Rd.
Tucson Az 85743

7/6/2024

Dear Tom Drzazowski/ Board of Supervisors,

Please deny the proposal to erect a cell phone tower on Massingale Road in Picture Rocks, AZ.

I have lived in this area for over 20 years. It's a beautiful area and it is peaceful and not all cluttered up with industrial looking structures.

We enjoy our wildlife here. We have the Harris hawks that are protected living in our area. Some neighbors do obnoxious things that interfere with the nesting and peace of these beautiful birds such as shooting guns or setting off fireworks. But at least this is a relative rare occurrence. With a cell tower that thing is pumping out radiation 24/7 -- the birds will undoubtedly have to leave the area to get away from it. Birds are sensitive to electromagnetic fields. Not only that, there is research showing that the newer types of cell phone towers produce radiation that is damaging to birds and insects particularly.

I believe it is the job of the County to oversee the safe placement of these towers so that they don't interfere with wildlife in communities such as ours. Please read section H of the County code 18.07.030, where it says: "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.**"

Part of my property value has to do with there being not only a beautiful view, but also an abundance of healthy wildlife that is not threatened by a constant flow of high frequency radiation. This will impact not just the birds and insects but also the other wildlife. It is particularly harmful to insects though, and the bees are already having a hard time.


The only way to properly protect our neighborhood is to keep the cell towers out of it. Such towers do not have a place in areas like this that are valued for natural beauty and natural resources.

It doesn't seem to make much sense to put in a tower in an area with such a low population density either. Must be someone is going to benefit handsomely in a financial way to motivate even taking the effort to try to put in such a tower in a place like this. "Follow the money..." That's what you have to do when things don't make sense.

Please don't approve this project. It will ruin our neighborhood and damage the wildlife here. Rural areas are supposed to be rural!

Thank you!

Sincerely,

 Anne Flores
10400 W. Massingale rd
Tucson AZ, 85743

July 2024

To Whom it may concern,

The purpose of this letter is to voice my opposition to the proposed cell tower construction in my neighborhood. There are many reasons why I am protesting, but one of the most important is the safety of my family. The proposed cell phone tower site is right next door to my home. My daughter enjoys playing outside and enjoys the view of the park and the wildlife that visits our many feeders. How am I supposed to protect her from the EMFs that will be generated 24/7? If this tower is built I will not want her to grow up in this area anymore. What was supposed to be our forever home will be a hazardous environment. Maybe you can help with the cost of moving to a safer area?

This tower would be so out of place in this environment and cast such an offensive shadow over the neighborhood. I'm asking the zoning commission to permanently deny the proposal for the 10510 W Massingale property.

Respectfully, *Amy Skomski*

Amy Skomski Name

7750 N Cherokee pony Tr. Tucson AZ Address
85743

July 5th, 2024

To: Pima County Planning and Zoning Commission

Tom.drzazgowski@pima.gov

DSDPlanning@pima.gov

Ref:

Dear Commissioners:

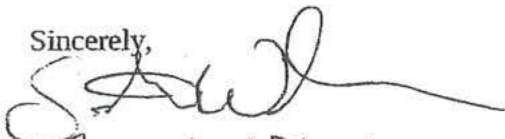
I am writing to express my opposition to the proposed installation of the Vertical Bridge/Cherokee Pony 5G T-Mobile cell tower at 10510 W Massingale Rd, Tucson, AZ 85743. My name is Samantha Wheeler, I am a 34-year-old mother of teenage twin daughters and bought my home in Picture Rocks almost 2 years ago. I moved to Arizona for work as a retail district manager. I had the option to move to *any* city in the state of Arizona, and I chose to buy my home in Picture Rocks primarily because I fell in love with the beautiful views and landscape, rural living, proximity to the Saguaro National Park, and the amazing wildlife around our homes.

If this tower is permitted to be built, this installation will be damaging to local wildlife and natural resources, and it would place the tower within the buffer overlay zone to Saguaro National Park. Pima County has implemented a progressive and protective Buffer Overlay Zone extending 0.6 km (1 mile) around the park's perimeter (please see the map on the next page). This zone is designed to incorporate development guidelines that help enhance the protection of park resources, or at least minimize impacts to them. This tower DOES NOT align with the intent of the buffer overlay zone!

Had this tower been pre-existing in the proposed location, I absolutely would not have chosen to buy my house as it would ruin all the beautiful flora and fauna in the area and would cause an unsightly eyesore. Permitting this tower would degrade the lands surrounding the park! It is evident that this proposal is motivated by financial gain and greed, rather than a genuine need to serve our community. The potential negative effects on our environment and the integrity of the national park, far outweigh any perceived benefits. I seriously urge you to consider these points and reject the proposal for the 5G cell tower installation!

Thank you for your time and consideration to opposing the proposal for the installation of this tower.

Sincerely,



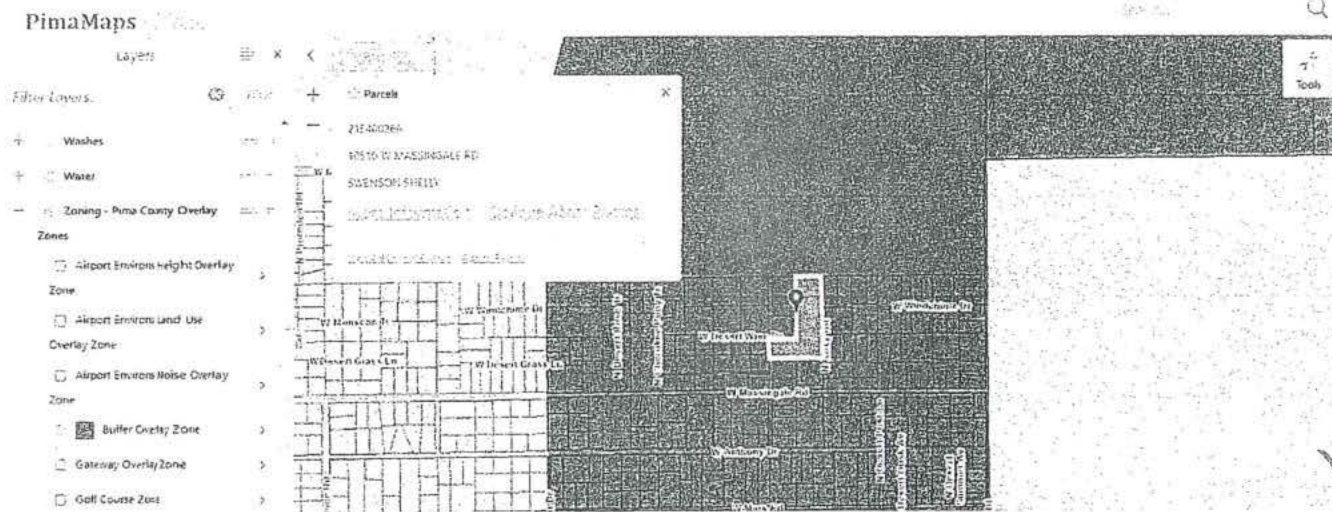
Samantha Wheeler

7590 N. Lydia Ave

Tucson, AZ 85743

July 5th, 2024

Aerial map of proposed location indicating the buffer overlay zone surrounding Saguaro National Park:



Sept 12th, 2024

Dear Mr. Drzazgowski/ Board of Supervisors,

I live two houses away from 10510 W. Massingale Rd. That is where T-Mobile and Vertical Bridge want to put a 75-foot-tall cell phone tower. My family and I do not want a cell phone tower so close to our home and we object to the project.

We moved to this neighborhood a few years ago and really enjoy the natural surroundings. Our view of the National Park from our back porch is amazing and this tower would be right in the way of our view of the mountain. Everyday I can watch a family of Harris hawks (who nest in the next-door neighbors' trees) fly around and enjoy their lives in this peaceful area. It would be sad to see them have to move because of this giant tower. I have read that these towers can affect a lot of wildlife in the area. We have so many different bird species that live here along with many other types of wildlife. I don't think you should let all these different animals be affected by this project.

My sister and I go to Marana High School and are looking forward to graduating from there. My parents said that they may have to move if a tower is built so close to our house. We don't want to transfer to another school. We have made a lot of friends and are active in many school programs and don't want to have to move again.

I have seen other cell phone towers in Picture Rocks and don't understand why another one is needed. My parents and I have cell phone service and don't see any need for another tower (especially so close to where we live). None of our neighbors have complained about lack of service either.

Please think about all the lives that would be affected by this tower. All the other ones that I see are near stores or the firehouse and not in the middle of a neighborhood where people have to see it all the time.

Thank you,



Elizabeth Wheeler -

Hwang

7590 N. Lydia Ave

Tucson 85743

Sept. 12th, 2024

Dear Mr. Drzazgowski/ Board of Supervisors,

I am writing to express my objection to a cell phone tower project at 10510 W. Massingale Rd. by T-Mobile and Vertical Bridge. My mom, dad, sister and I do not want you to approve this project. We moved here a few years ago and really enjoy the scenery and living so close to Saguaro National Park. It is only ¼ mile away and we can go there any time we want to hike all the trails. Our view would be spoiled forever if you allowed them to build a 75-foot tower so close.

I enjoy practicing my music and doing my homework on the back porch of our house with a beautiful view of the park to look at every day. I couldn't even imagine how ugly this tower would look right in the center of my view of Panther Peak. I know my mom and dad are not happy about this project and said that we may have to move. I want to graduate from my high school and don't want to move again. My sister and I are very happy here and have lots of friends. I'm sure there are many other families that live in this neighborhood that feel the same way we do.

What would happen to the Harris hawk family that lives in this neighborhood? Their nest is so close to where they want to build the tower. I'm sure it would scare them away. They have lived here longer than I have and it's not fair to make them move, especially when there is no need for this tower. We all have cell phones and so do our neighbors. No one complains about lack of service.

My parents have said that building a tower so close to a quarry would be dangerous. That makes sense to me. We feel the house shake a few times a week from the blasting at the quarry. It moves pictures on the wall, rattles our drinking glasses and scares our dog. What would happen if a 75-foot tower fell down in the middle of all these houses? I think it should be moved far away where it would be safer.

I hope you will consider what I have said and find another place for this project.

Thank you, Max W

Maxine Wheeler-
Hwang
7590 N Lydia Ave
Tucson Arizona 85743

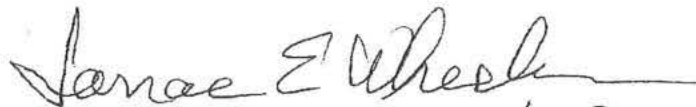
To: Thomas Drzazgowski/ Board of Supervisors,

I would like to express my strong opposition to a project I heard about by Vertical Bridge/ T-Mobile at 10510 W Massingale Rd. A project such as this, which would construct a 75 foot cell phone tower in the middle of an area unencumbered by any unnatural features and adjacent to Saguaro National Park would be a travesty.

I am an amateur nature photographer and this area has amazing views for my hobby. This is the only place in the world that Saguaro cactus can grow and the views of them in the park are spectacular. Areas like this also bring in many native wildlife species and makes photographing them easy and enjoyable. There is nothing better than relaxing after a long work week by taking photos in this natural area. It is sad to think I will have to avoid a giant tower in the middle of many of my shots.

This is not the place for a construction project such as this. It should be built near one of the many business areas near paved roads and not in rural setting. Far away from wildlife and people's homes.

Sincerely,


JANA E. WHEELER

7590 N. Lydia Ave
Tucson AZ
85743
Date 9-16-2024

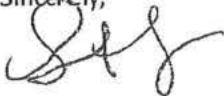
7/23/2024

Dear: Thomas Drzazgowski and/or Pima County Supervisors,

I am reaching out in opposition of the proposed Vertical Bridge tower at 10510 W. Massingale Rd. First I would like to make note that Christine Tucker made this seem like the tower was a for sure thing and that there was nothing we can do about it. Then later stated that it still needed to be approved. Though we stated that we do not agree with this tower she is still pushing to put this tower at said site. Also she has another location that was approved so why does she want to move the location over to another spot when there is a National park and Quarry. Majority of signal will be wasted due to being next to these open spaces.

I spent my entire life here in picture rocks and do not plan on leaving. The thought of a tower around the corner from me makes me sick to my stomach. The reason why I stay here is because of the beautiful views the Saguaro National Park has to offer. My front door faces where this tower will be and that is something I am dreading because I do not want to see a fake tree that is 75 feet tall every time I walk out my door. I have chickens and a garden and this tower will make me not want to walk out my door. The whole motivation of taking care of what I do is my open surroundings. I love my home and community so I hope you take my opposition into consideration. Save our community from a tower that will be aesthetically displeasing to the eye.

Sincerely,



Shirie Hutchby
7650 N Pale Stone Pl.
Tucson AZ 85743

To: Tom Drzazgowski,

I am writing in protest of the proposed cell phone by Vertical Bridge/ T-Mobile at 10510 W. Massingale Rd. There are so many issues with this site that I could go on forever about it but I will instead give you a points list:

- 1) The proposed site is well with the 1 mile Buffer Overlay Zone around the national park. Which is required by the county to protect the natural scenery.
- 2) Multiple relators have been quoted as saying property values would decrease by as much as 20% with the installation of a tower. There would also be much less interest in property in such areas.
- 3) Harris hawks. Which are protected by the Migratory Bird Treaty Act) have well established nest (over 20 year) on the adjacent property. Many studies have shown that electromagnetic radiation has devastating physical effects on wildlife.
- 4) Most people living in the neighborhood did not receive any notification of this proposed project and are outraged by it. I believe there are county regulations requiring notification and public hearings about this.
- 5) Everyone in the area already has cell phone signal and do not need a 5G tower installed. This project is only for T-Mobile and would not be beneficial for all the people who use other carriers. It would not even service a majority of the people in the area.

Please consider all of these points before making a decision about this proposal. It would cause more harm than good.

Thank you for your time,

 (JAY MASERIANS)

11459 W. Anthony

TUCSON AZ. 85743

7/20/24

Dear Mr. Drzazgowski,

I am upset because there might be a cell phone tower being put up right next to my family's house. T-Mobile and Vertical Bridge want to build it at 10510 W. Massingale Rd. which is the property right next to ours. Everyone in my family is talking about this and do not like the idea. My family and I are all against it and would like you to deny them the permit to build here.

My brothers and I enjoy living in the desert and its natural habitat. We get to see all kinds of wildlife living here. Coyotes, javalina, deer, bobcats and lots of different bird species. I'm afraid a giant tower would scare many of them away. Not to mention how ugly this tower would be every time I look in that direction. My view of the mountain would be ruined forever. We enjoy being outside and living someplace where there are no tall buildings to block our view. If you let them build this tower what would be next?

Living so close to the quarry I hear my windows rattle every time they blast. What would this do to a tower that is built so close? I'm afraid that it might fall someday because of the vibrations. I don't think that building something so tall next to houses is a smart idea.

I hope you think of how it will affect everyone in this area when you make your decision.

Sincerely, Cruz Gallindo

Cruz Gallindo
10468 W Massingale Rd
Tucson AZ 85743

7/20/24

To: Board of Supervisors/ Thomas Drzazgowski

I request that you deny any permits for Vertical Bridge/ T-Mobile for a proposed cell phone tower at 10510 W. Massingale Rd. That address is centrally located in a residential neighborhood and would cause much more harm than good.

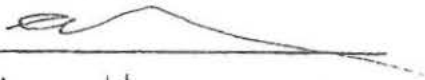
The most important consideration for me in the depreciation of my property value with the installation of such a tower. Many realtors have spoken out about the hit that property values would take because of such an unsightly structure being so close to homes. Estimated losses of up to 20% is not uncommon. I have spent a great deal of money to purchase my home and a good deal more to maintain it and upgrade it. You may not think 20% is a lot but I work hard for my money. The last thing I want is a multibillion dollar company coming here to take money out of my pocket. Corporations are known for not caring about individuals and this seems to be the case here.

I don't use T-Mobile for internet or cell phone and I know most people in this area also use other companies. Every one of my neighbors has service through a variety of providers so there are many options for service in this area. It is not a necessity to build a tower.

I have invested in my property because I planned to live here for a long time. The scenic views of the Sonoran desert are like nowhere else in the world. The mountains are amazing and the sunsets can't be beat. All of this will be thrown away with a 75 foot tower constructed right in the middle of my view. How could anyone enjoy the scenery while having to look around this monstrosity?

We value our wildlife and our environment here in Picture Rocks and we do not want a cell tower placed in our neighborhood. Other towers I have seen are near commercial areas where their impact on the surrounding area can be kept to a minimum. That would not be the case here. I urge you to deny this proposal.

Sincerely,



Andrew Hwang
7590 N. Lydia Ave.
Tucson AZ. 85743

To: Thomas Drzazgowski/ Pima County Supervisors,

I cannot express enough how upset I am after hearing about the proposed cell phone tower by Vertical Bridge at 10510 W. Massingale Rd. I ask that the county permanently deny their request to build at this location.

To begin with, the representative of Vertical Bridge, Christine Tucker, who organized a neighborhood meeting about the project had her own agenda when presenting information. She showed the attendees a letter about the project with "Pima County Meeting" boldly printed at the top trying to show that this project was already approved and, in her words "A DONE DEAL". When asked about the Pima County Heading she said "I JUST PUT IT THERE". I assume just to make us think this was some official document from the county.

Most of the neighbors did not receive any notification about this project or the meeting. I believe this was an attempt to lessen any possible opposition to the project. At one point she even said "IF THEY ARE NOT HERE I AM GOING TO ASSUME THEY ARE NOT AGAINST THE PROJECT". After talking to many neighbors there is an overwhelming amount of people against the project. Her intent was to get this project approved at any cost expecting people not to get involved. I'm sure you will be hearing from them soon. I have also talked to people opposed to other Vertical Bridge projects and this is the way that Christine Tucker routinely conducts business in order to get her agenda pushed through.

She also said that there was another location that was already approved by her company and that there was no objections by neighbors but she decided to pursue this site. If other sites are available why would she continue to pursue this one?

I have lived here for over 25 years and enjoy the peace and quiet of my neighborhood and my amazing views of the nation park and its wildlife. This is a scenic area that I enjoy taking my friends and family hiking in and showing them how great it is to live here. This area would be ruined forever with the installation of a 75 foot tower. I would be embarrassed to bring people to this area and have to explain how Pima County would allow a cell phone tower to be placed right next to a national park and obstruct the view which is supposed to be protected for future generations.

To add to this, when I bought my home 25 years ago I considered it an investment on my future. I worked hard to maintain it and upgrade it with the knowing that someday it would help me be able to afford to retire. Now this investment could be substantially decreased (by up to 20%) because of this proposed tower.

Please understand that those who opposed this project have done their due diligence before speaking out. I only hope that you will take into consideration the important points concerning this project and make the right decision on an issue that affects everyone in this neighborhood.

Sincerely,



Peter Hnath,

11640 W. Anthony Dr.

Tucson, Az. 85743

7/8/2024

To: Tom Drzazgowski

My family, my neighbors and myself are extremely concerned about the proposed cell phone tower project at 10510 W. Massingale Rd. We are against it. We do not want a tower so close to our homes, our family or our pets.

Cell towers are unsightly no matter how you try to camouflage them. This blight on the neighborhood can only affect and lower property values, especially being so close to homes that it makes them undesirable. You must reconsider locations for these towers and place them in commercial corridors and not in the middle of populated areas.

Again, I protest the project being proposed for this site and ask that it be immediate and permanently denied.

Thank you,

Khya Knuth (KHYA HWATH)

11750 W Anthony dr

Flagstaff AZ 86001

July 10, 2024


To: Pima County Planning and Zoning:

I object to the proposed cell phone tower that is being considered at 10510 W. Massingale Rd. This area is a pristine untouched neighborhood is being violated by the greed of Vertical Bridge and T-Mobile. They do not care how this will affect the people who live next to the tower. I consider this project an invasive attack on our way of life. Do you understand that our neighborhood will never again be the same?

Towers like this should only be allowed on commercial areas where their impact on the community would be much less. Are you aware of the impact this will have on property values? I did not move here to have T-Mobile reduce my home investment by up to 20%. Not to mention the amazing view our neighborhood has of the national park. Now they want to build a 75 foot tower right in the middle of our scenic view.

I urge you to consider other options for placement of this tower.

Sincerely,

 (JOSHUA HNATH)

11850 W Anthony Dr

Furson AZ 85743

Dear Mr. Drzazowski

I am a senior at Marana High School and an avid science fan. I hope to go on to major in this field of study in college. I have heard my dad discuss a project to build a cell phone tower at 10510 W. Massingale Rd. by Vertical Bridge and T-Mobile. I live just down the street from this address. After doing some research on cell phone towers I must object to this project and suggest that it be denied.

It would be too close to many homes. Towers such as this are usually built in commercial areas or areas which would not affect local communities. Alternate sites should be considered.

I have read that cell phone towers have a devastating effect on wildlife especially nesting birds. There are so many bird species that live and nest in this area. It would affect nest mortality rates, damage feathers and locomotion capability.

I believe that the county should make protecting our natural resources a priority and protect them from the greed of a company whose only interest is to increase their profits.

My view of the national park should not be affected by a 75 foot metal tower. I believe Pima County has regulations regarding this and they should be adhered to.

For 16 years I have enjoyed being outside and being able to explore and hike in the park. Which is only a mile down the road. It would be terrible if I no longer can enjoy this area without a metal tower to ruin the scenery.

Sincerely,

Zander Hnath

Zander Hnath,

11250 W. Anthony Dr.

Tucson, AZ. 85743

Joseph S Liardi
11250 W Anthony Dr.
Tucson, AZ 85743

Tom Drzazgowksi
Chief Zoning Inspector

5th July 2024

Dear Tom or who this may concern,

I am writing to state my Opposition on the erection of a 5G tower at 10510 W Massingale Road, Tucson AZ 85743. I purchased my home and moved my family here so we could appreciate the beauty of all the wild life, its beautiful scenery, and to escape the clutter and environmental hazards of city life.

We've known for a while now, through a number of scientific studies, that cellular radiation is harmful to wildlife. We know that due to unique physiologies and habitats, many species of flora and fauna are sensitive to exogenous EMF in ways that surpass human reactivity.

The impact to wildlife here in Picture Rocks from radiation emissions from this 5G tower will devastate the natural Flora and Fauna in my community. When I sit outside my home, my enjoyment is in watching the Bunnies playing, noticing the Bobcats that run the property, looking at the view of the mountains and cherishing the Owls, Hawks and humming birds that visit my property.

It breaks my heart to know that Honeybees, which are important to pollinate the flowers, fruits and vegetation in my own backyard, will abandon their hives leading to colonization collapse. The protected Harris Hawks and Owls will abandon their nests leaving there babies to fend for themselves and die.

It is very depressing knowing that these creatures will be harmed by EMF from this tower and I know why and there is nothing to be done after it is built. This tower will be directly in my line of sight, which everyday having to see it obstructing the beauty of the mountainside will just make me angry there by affecting my peace and tranquility in which was the reason for purchasing my home in this rural area.

Another reason I oppose this 5G Tower in my neighborhood is due to the fact that my medical insurance may deny me coverage. It is clear that Cell Tower Companies cannot get insurance. Finally, the impact this 5G Tower will have on the value of my home. Living so close to a Cell tower will cause property depreciation and I may not be able to sell my property due to the fact

that people do not want to live next to a Radiation generating beast. People choose to live in such a rural area to escape the unsightly city scenes and environmental hazards in order to embrace natural wildlife and habitats.

Also, Omnidirectional towers broadcast signals in 360 degree patterns. This proposed tower will be emitting wasted signals 180 degrees over Saguaro National Park and the existing quarry emitting harmful EMF Radiation at the tax payer's expense. The premise that this is good for the community by strengthening cell coverage and internet access is a bold face lie. We here in Picture Rocks already have perfect cell coverage and internet access with no coverage issues at all.

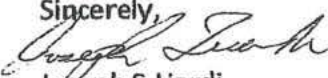
In conclusion,

I want to make clear that I am opposed to this Cell Tower being placed at 10510 W Massingale rd., Tucson AZ 85743 in such close proximity to my home. This was supposed to be my forever home, I plan to retire in this home and I am sickened by the thought of how this could change the landscape after investing all that I have. I purchased my home and moved here to enjoy rural country living and found the perfect place for me and my family.

Now, that is all being jeopardized, knowing the effects that EMF emissions have on local Flora and Fauna, the depreciation value of my home, and my way of life here in Picture Rocks is totally and extremely being violated

It is clear this is purely about financial gain all around rather than servicing the community. There is no benefit to the community! But every benefit to the cell company and I do not want this in my community at all.

Sincerely,



Joseph S Liardi

To: Tom Drzazgowski, Zoning Commission,
7/5/24

I would like to express my concern about the installation of the 5G wireless T Mobile Vertical Bridge tower in our neighborhood. I am opposed to the tower it is extremely large and unsightly. In a rural community with amazing scenic views and landscape , mountains. This 80 ft tower would significantly detract from the beauty of our neighborhood, it will also depreciate the value of the homes. To date most towers have been mostly limited to densely populated areas, but these recent proposals appear to encroach within the rural communities. We must strive to promote the beautification of Picture Rocks Area, and one way of doing this is by keeping our views.

I have recently done improvements on my home, having no plan to ever leave, this is where I want my family to enjoy life and have special times, we hike and take photos of wildlife. This will truly destroy our plan for the future.

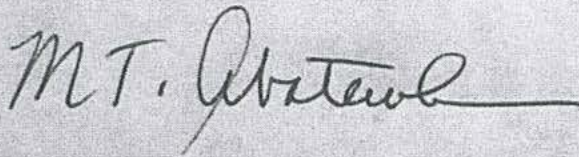
We do not have a gap in cell/internet coverage here in our area. We have multiple, cell and internet services including fiber optics. It is my understanding we will have more underground fiber optics soon in our area soon.

I urge you to halt the installation of the proposed T Mobile 5G tower at 10510 W Massingale Rd

Thank you in advance for your consideration,

Regards,

M. T. Abatecola
11520 W Royalty Dr
Tucson, AZ 85743



ATT: Zoning,

7/3/24

I am reaching out in opposition of the 5g tower being built at 10510 W Massingale Rd. Pima County Code 18.07.030 towers need to maintain and preserve the existing unique attributes of the community character. Please explain to me how a 75 foot metal tree with leaves match the attributes of the area when there are barely any trees that are the same height. Doesn't Pima County code 18.14.040 also state that the height of a tower should be 34 feet? Either way the tower does not belong in an area near the Saguaro National Park. Move it to the other side of the mountain where there is a more dense population with a less scenic view. With that said I am opposed to this tower being built.

Thank you,



Fernando Moniz

10225 W. Massingale Rd

Tucson AZ 85743

Pima County Supervisors/ Thomas Drzazgowski

I would like to express my strong objection to the proposed cell tower at 10510 W. Massingale Rd. I respectfully request that the county permanently deny Vertical Bridge's request to build at this location.

It has been documented at many other cell tower sites that property values can decrease by as much as 20% after construction. It will also decrease any interest from potential buyers of properties around these sites.

Building a 75 foot tower so close to the national park would destroy the amazing views and scenery that we have all moved here to enjoy. This tower is about 4/10th of a mile from the park boundary and is within the Buffer Overlay Zone around the park.

Most people in the area did not receive any notice of this project so did not receive any opportunity to express their objections. It seems like Vertical Bridge is attempting to rush the project through before the neighborhood has a chance to speak. I have heard for others that this is the way they do business.

I have also researched the adverse effects on the people and wildlife that live around cell phone towers. The dangerous effects of 5G radiation is cumulative and will cause long term health effects.

It is within your power to deny this project and do the right thing for your constituents that live in this area. I'm sure if your family and pets were affected by this project you would feel the same way.

Sincerely,

Susan Ybarra

13156 W. TRAIL DUST RD

TUCSON, AZ 85743

7/13/2024

To: Thomas Drzazgowski/ Pima County Supervisors,

It is with great concern that I am writing you today about the proposed project at 10510 W. Massingale Rd. by Vertical Bridge to build a 75 foot cell phone tower. I would like to request that the county zoning office and board of supervisors deny this project immediately and permanently.

There is a cell phone tower miles away at a local gas station. It is not a pretty sight but I am only at the gas station for 10-15 minutes then I drive away and don't think about the tower again until I fill up again. If you build a tower in my neighborhood I get to look at it 24 hours a day, 7 days a week for 365 days a year for the rest of my life. Right now the tallest things by my house other than trees are the telephone poles that line the dirt roads. This tower would dwarf them. It would not only be unattractive but very demeaning to our neighborhood.

I urge you to plan another option to this proposed project that would not infringe on our peaceful community.

Sincerely,

Lynn A. Adams
Don Adams

Don Adams

Lynn A. Adams

7530 N. DESERT POST LN
TUCSON, AZ. 85743


7/21/2024

To: Thomas Drzazgowski and Pima County Supervisors,

I am reaching out in opposition of the proposed Vertical Bridge Tower at 10510 W. Massingale Rd. I have lived here with my wife for a few years now and love the views the Saguaro National Park has to offer. I grew up in the middle of Tucson and the reason why I moved here was to get away from the noise. I love how quiet it is here and I enjoy the views as well. We do all our outside chores together and find the mountain in the national park breathtaking. If this tower gets approved every time we look over to the mountain we will see a 75 foot hideous tree that does not match anything in its surroundings.

Not only will this tower not match the aesthetics of the desert, it will also drop the property value by 20%. We put so much hard work into making the property look welcoming to family and friends. We are building a future here and it is ridiculous to think of a 20% loss in today's market. We love having people over and urge them to move out here as well. If this tower gets approved it will ruin property value and people will not want to move out here if there is a tower looming over them. I am pleading with you to reject this proposed tower. Do not obstruct the views of the National Park that we hold dear to our hearts.

Sincerely,



Jan Achey
11640 W Anthony
Tucson, AZ 85653

7/20/2024

To: Thomas Drzazgowski and Pima County Supervisors,

I am reaching out in opposition of the proposed Vertical Bridge Tower at 10510 W. Massingale Rd. I love living in a rural area where there is no traffic let alone tall buildings to obstruct the views. I have lived near downtown Tucson and left because I wanted a quieter place to live. I like to go hike in the Saguaro National Park with my husband and we enjoy seeing the desert in all its beauty. If you were to approve this tower it will ruin the beauty we see on a daily basis. When I was informed of the 75 foot tower it just broke my heart knowing that this will be the beginning of turning this rural community into a city. It starts with a tower then comes the suburbs then the tall buildings.

I love taking care of my home and property. I enjoy driving to work and seeing the national park every day. My husband and I walk the trail every weekend and to drive pass a giant fake tree will just ruin my mornings. Pima County has zoning codes in place to preserve these areas, for example, Pima County Code 18.07.030 regarding communication towers is they have to maintain and preserve the existing unique attributes of the community character including, but not limited to architecture, historic and cultural features, historic development patterns, landscape, and to preserve property values in those neighborhoods. With that said I hope you deny the proposed Vertical Bridge tower. Thank you for your time and consideration.

Sincerely,



Kelly Achey
11640 W Anthony Dr.
Tucson, AZ 85743

7/12/2024

To whom it may concern,

My family lives very close to the proposed cell phone tower by Vertical Bridge and T-Mobile at 10510 W. Massingale Rd. We are upset about this project and respectfully ask that this project be denied.

I have raised my kids the right way. They are respectful of others, say "please", "thank you" and would never harm another living creature. I brought them up to also have respect for nature and understand how important it is to preserve our environment. How am I supposed to explain to them that the county wants to build a 75 foot tower right next to the national park? That is not sending the right message to the next generation.

We love hiking the many trails and enjoy our conversations about everything from the age of Saguaro cactus to the wingspan of turkey vultures. Now the only thing we will be talking about on our hikes is why Pima County allowed such an unnecessary eyesore to be built so close to the park.

I can't emphasize enough how unnecessary this project is and how much damage it would cause to the aesthetics of this area.

Sincerely,



Anthony D. Martinez
11622 W. Inc Rd
Tucson Az 85743

Virginia Marth
10040 W. Rudasill Rd
Tucson, AZ 85743

Planning and Zoning Commission
Development Services Division
201 N Stone Ave, 1st Floor
Tucson, AZ 85701

Hello Commissioners and Planning and Zoning Staff -

I am writing to express my opposition to the proposed cell tower at 10510 W Massingale Rd, Tucson, AZ 85743 which is located in Picture Rocks, just next to Saguaro National Park West. I live in Picture Rocks, not far from the proposed installation. This is my community. I am opposed to this project on multiple counts.

First, all residents and property owners in the immediate vicinity of this site oppose this installation, the one current exception being the property owner who has made a financial deal with the site developer in exchange for this installation on their property. This unanimous community sentiment is important to note and should be taken into account in the assessment of any project such as this. This is by and large a retirement community with forever homes, chosen for their cherished views, proximity to Saguaro National Park which sets the stage for a serene and beautiful natural environment which is host to an abundance of wildlife. The "skyline" here is that of natural rock outcroppings and mountains. Industrial installations of significant height will stand out and be an eyesore for many surrounding residents - violating the Pima County Code, §18.07.030 H(c),(e),(g). As you will read, many residents strongly object to the prospect of having their views disrupted and/or destroyed by this out of place installation.

Second, is this tower needed to provide the community with some level of "service"? Again, residents overwhelmingly say "NO!" and assert that they are satisfied with their cell coverage, consistent with the T Mobile coverage map, which shows this area as having 100% coverage already. We have tested that calls from a cell phone from this area to a landline are successful and do not get dropped - an official metric of "adequate coverage". We do not know of any "dropped 911 calls" - another justification that the industry often makes for such installations. We do not trust or feel that T Mobile or Vertical Bridge and its associates are concerned with making the community "safer" or "more connected". We know and feel they are desirous of making as much money as possible under the current permissive federal guidelines.

Third, property values will be negatively affected in proximity to the tower. We are submitting statements from area realtors to back up this assertion. This again is in violation of the Pima County Code §18.07.030H(c) "...to preserve property values in these neighborhoods".

Fourth, the proposed location is within the Buffer Overlay Zone around Saguaro National Park, intended to ease the visual and ecologic transitions from the pristine landscape of the Park to more developed areas. The code asserts that the type of stealth camouflage in the BOZO is limited to that which mimics native plants. This project proposes using a "broadleaf" camouflage which is not native and is therefore not allowed at this location.

Fifth, the proposed site at 10510 W Massingale Rd is intersected by three officially designated ecological areas which carry associated protections: Xeroriparian areas, types C and D area as well as a Harris Riparian area (all referenced on Pimamaps GIS). These are not just habitats that exist on paper. You will have received photos and documentation of the families of Harris Hawks that inhabit this exact location and make it their home. Area residents are thrilled to live amongst these hawks and consider them to be family, as they do the other resident wildlife. The Harris hawks in particular have been shown to be harmed by exposure to the wireless radiation from towers. The birds are likely to use the tower for nesting and will suffer the consequences. The hawks are protected by the Federal Migratory Bird Act.

Sixth, the access road to this installation is Roxy Lane which is effectively a wash which floods and washes out when there is substantial rain. It is not a County maintained road. This would not be a stable or safe access road for an installation that may require emergency maintenance.

Seventh, we as a community are concerned and aware that that FCC has been remanded by the DC Circuit Court, 13th circuit, to review its guidelines for RFR exposure, such as that emitted by cell towers. The current FCC guidelines have been strongly put into question by the 11,000 pages of medical and scientific evidence submitted in the case of the EHT/CHD v. FCC, decision in August of 2021. To date, the FCC has made no attempt to convene an independent panel of qualified scientists and physicians to review the guidelines. We find it very concerning that tower permitting and siting decisions are being rendered without substantiated and approved federal guidelines for exposure in place, in order to protect communities. We assume that you are also aware of this issue and of the FCC's noncompliance with this judicial order.

Thank you for your careful consideration. In view of the above points and the unanimous community opposition to this project we ask that any permit request be denied at this location.

Sincerely,

Virginia Marth



Living Desert Alliance
Keep Our Desert and Community Livable and Thriving

Date: 10/15/2024

To: Pima County Planning and Zoning Commission

From: Living Desert Alliance

PO Box 776

Marana, Arizona 85658

RE: Opposition to the permitting of an 80-foot cell tower at 10510 W Massingale Rd, Tucson AZ 85743.

Pima County Planning and Zoning Commission,

The [Living Desert Alliance](#), representing over 1400 members, opposes the permitting of an 80-foot cell tower at 10510 W Massingale Rd, Tucson AZ 85743. The tower is unnecessary and violates numerous Pima County codes as presented below:

1. There is no demonstrated need for this installation. All residents report good coverage surrounding this location and coverage maps show no gap in service. Even T-Mobile's own coverage map shows the area is already 100% covered
2. The installation site intersects with 3 County designated protected xeroriparian areas and is part of a protected wildlife habitat. It is home to families of Harris Hawks who are protected under the Migratory Bird Treaty Act.
3. The proposed type of camouflage (broadleaf, elm or eucalyptus) for the tower is not allowed at this site according to the County Code which specifies that camouflage must mimic native plants within buffer overlay zones.

Please do not be fooled by the dog and pony show sure to be unveiled by Vertical Bridge, in partnership with T-Mobile. They are **NOT** looking out for the best interest of the community.

We trust your commission will make the correct decision and reject this proposal.

Thank you for your consideration,

Brad D'Emidio,

President, [Living Desert Alliance](#)

Livingdesertalliance@gmail.com

EXHIBIT B



ARIZONA TERRITORY

3300 E. Sunrise Dr # 50 Tucson, AZ 85718

Pima County Board of Supervisors

RE: Proposed 5G Cellular Tower

Dear Board of Supervisors:

Ms. Sherry Volpone located at 10550 W. Massingale Rd. Tucson, AZ. 85743 has asked me to submit this letter on her behalf, regarding the proposed installation of a 5G Cellular Tower to be located on her neighbor's property (10510 W. Massingale Rd Tucson, AZ. 85743).

I am a local full time licensed Real Estate agent with Realty Executives Arizona Territory. I have been licensed and a full-time agent for 20 years. The primary focus of my practice has been in the Northwest, West, Extended Northwest, Extended West and Central Tucson area. I have lived in Tucson for 36 years and in the Picture Rocks area for over 14 years, so I am very familiar with issues that concern many prospective home buyers. While the owner of the land which the tower is installed receives income the towers generate negative consequences for neighbors. In my experience and data from the National Association of Realtors for which I am a member the consequences can be steep. Property values decrease at an average of 10%. This number will rise the closer (1500 feet) the property is to the cell tower and what kind of market we are in.

Thus, based on my experience, it is my professional opinion that the placement of a 5G Cellular Tower on their neighbor's property will have a significant negative effect on property price and time on market for Sherry Volpone.

Sincerely,

 *Lisa Perto*

07/15/24

Lisa Perto

Realtor

Realty Executives Arizona Territory

----- Forwarded Message -----

From: Nancy Perez [REDACTED]
To: [REDACTED]
Sent: Tuesday, October 1, 2024 at 11:41:30 AM MST
Subject: 10550 W. Massingale Rd

10550 W. Massingale Rd
Tucson AZ 85743

Dear Sherryl,

I hope this letter finds you well. I am writing to address a topic that is increasingly relevant in our community: the potential installation of a cell tower near your property (10550 W. Massingale Rd, Tucson AZ 85743). While advancements in technology bring many benefits, it is important to consider the implications that a cell tower can have on property values.

Numerous studies have indicated that the presence of cell towers can negatively impact property values for several reasons:

1. ****Aesthetic Concerns****: Cell towers can alter the visual landscape of a neighborhood. Many prospective buyers prioritize the aesthetics of their surroundings, and a cell tower can be seen as an eyesore, potentially leading to decreased demand for homes nearby.
2. ****Health and Safety Perceptions****: Despite assurances from health organizations regarding the safety of cell towers, many individuals still harbor concerns about potential health risks associated with electromagnetic fields. This apprehension can deter buyers and result in reduced property values.
3. ****Market Comparisons****: In real estate, comparable sales play a significant role in determining property value. Homes located near cell towers may be perceived as less desirable compared to similar homes in areas without such infrastructure, leading to lower sale prices.
4. ****Buyer Preferences****: Many homebuyers prefer tranquil and undisturbed environments. The presence of a cell tower may suggest a more commercial or industrial atmosphere, which can be less appealing to families seeking a peaceful residential area.
5. ****Long-term Effects****: The long-term impact of a cell tower on property values can be significant. As neighborhoods evolve, areas with cell towers may struggle to maintain their appeal, ultimately affecting property values over time.

Understanding these factors is crucial for homeowners, especially those considering selling their homes in the future. I believe it is important for our community to engage in discussions about this proposal and weigh the potential consequences thoughtfully.

Thank you for taking the time to read this letter. I hope it provides some insight into the potential effects of a cell tower on property values. I am available for further discussion if you have any questions or would like to explore this topic more deeply.

Sincerely,

Nancy Perez

[REDACTED]
Realtor HomeSmart Advantage Group

Tierra Antigua REALTY

Attn: Pima County Board of Supervisors

RE: Proposed Cellular Tower at 10510 W Massingale , Tucson, Az 85743

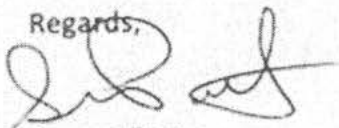
Esteemed Board of Supervisors,

I was asked by Sheryl Volpone to write a letter regarding the proposed installation of a 5G cellular tower which would be located in her neighbor's property. Her neighbor will be financially compensated for the cellular tower installation.

As a REALTOR® and an Associate Broker with over 20 yrs experience, I have worked extensively in the resale of residential properties in all areas of Pima County. In my experience of working with buyers, there are concerns and resistance in purchasing homes near cellular towers. These concerns and resistance have led homes which are for sale to stay on the market longer than average as well as causing their devaluation.

It is my professional opinion that placing a cellular tower on her neighbor's property will significantly have a negative effect on the future value of Sheryl Volpone's property, 10550 W Massingale, Tucson Az 85743, as well as for the surrounding neighbors.

Regards,



17-15-24

Susana Patty
REALTOR®, Associate Broker
Tierra Antigua Realty

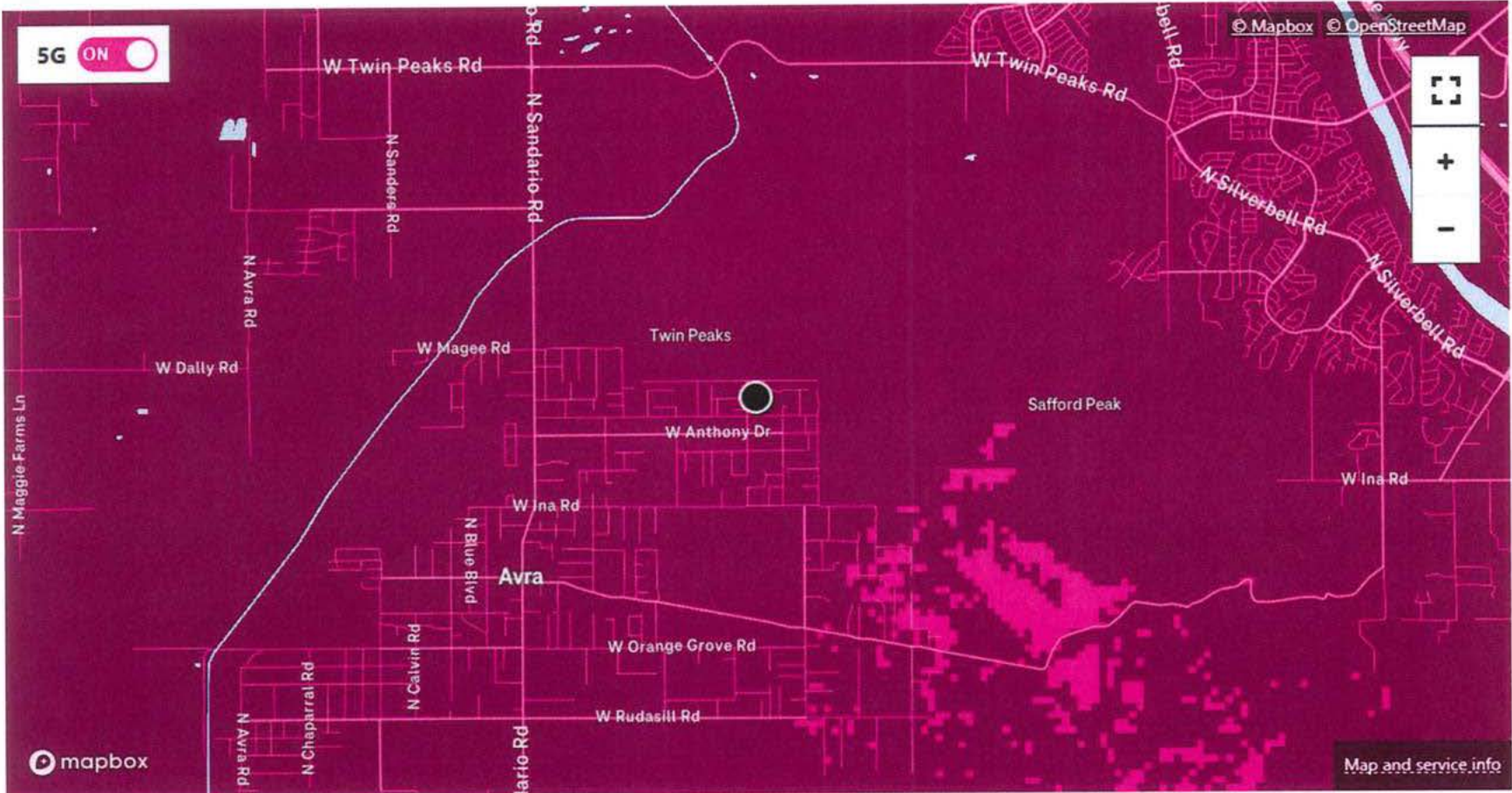
EXHIBIT C

Technology	Frequencies
5GUC (Ultra Capacity 5G)	<ul style="list-style-type: none"> • Band n41 (2.5 GHz) • Band n258 (24 GHz) • Band n260 (39 GHz) • Band n261 (28 GHz)
5G (Extended Range 5G)	<ul style="list-style-type: none"> • Band n71 (600 MHz)
4G LTE	<ul style="list-style-type: none"> • Band 2 (1900 MHz) • Band 5 (850 MHz) • Band 4 (1700/2100 MHz) • Band 66 (Extension of band 4 on 1700/2100 MHz).
Extended Range 4G LTE	<ul style="list-style-type: none"> • Band 12 (700 MHz) • Band 71 (600 MHz)
2G	<ul style="list-style-type: none"> • Band 2 (1900 MHz)

<https://www.t-mobile.com/support/coverage/t-mobile-network>

EXHIBIT D

📍 10510 Massingale Road, Tucson, Arizona 85743, United States



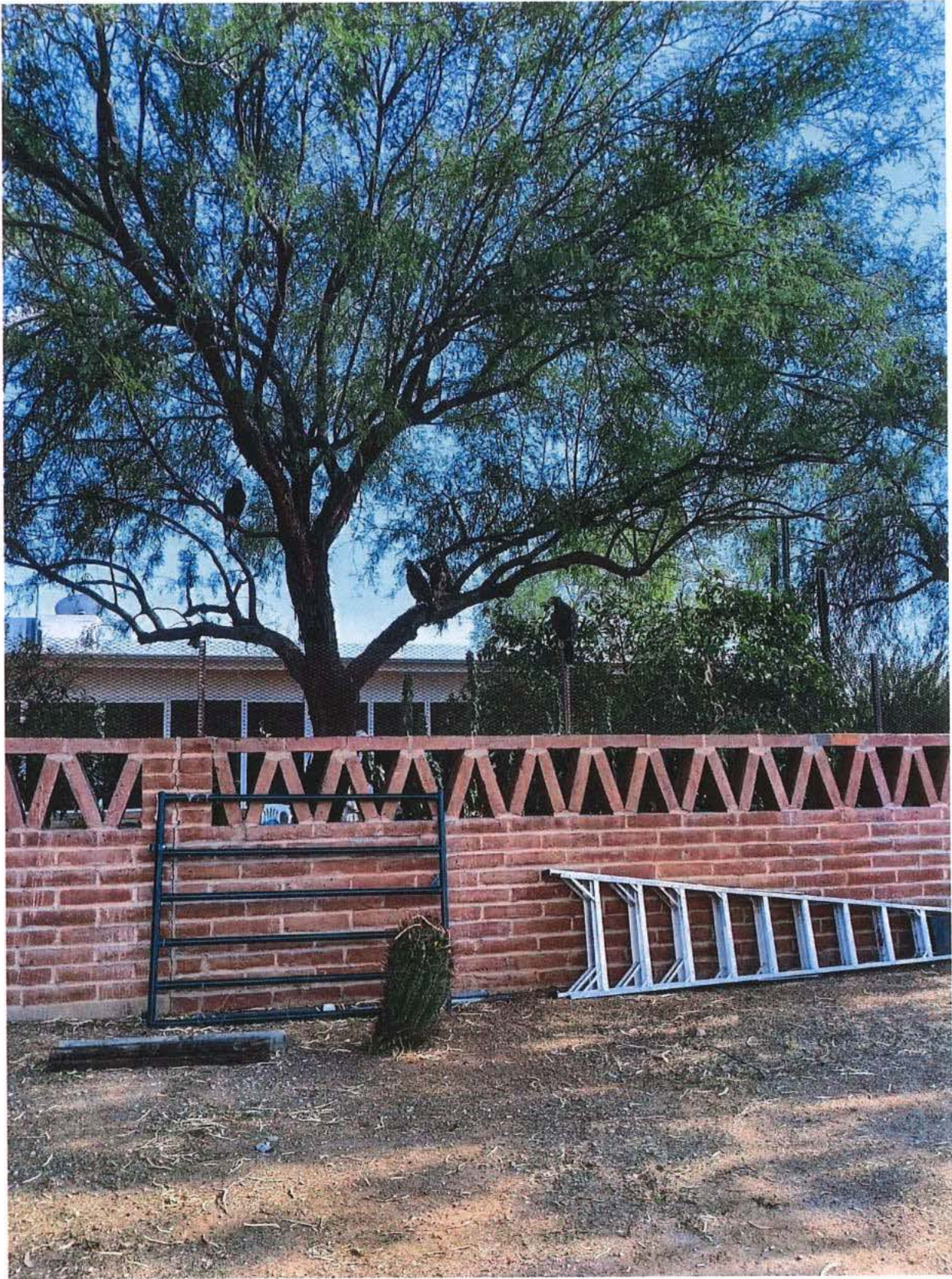
5G Ultra Capacity 5G Extended Range 4G LTE 3G/2G Partner Partner: Canada and Mexico No coverage ⓘ

EXHIBIT E

<https://fcc.maps.arcgis.com/apps/webappviewer/index.html?id=6c1b2e73d9d749cdb7bc88a0d1bdd25b>

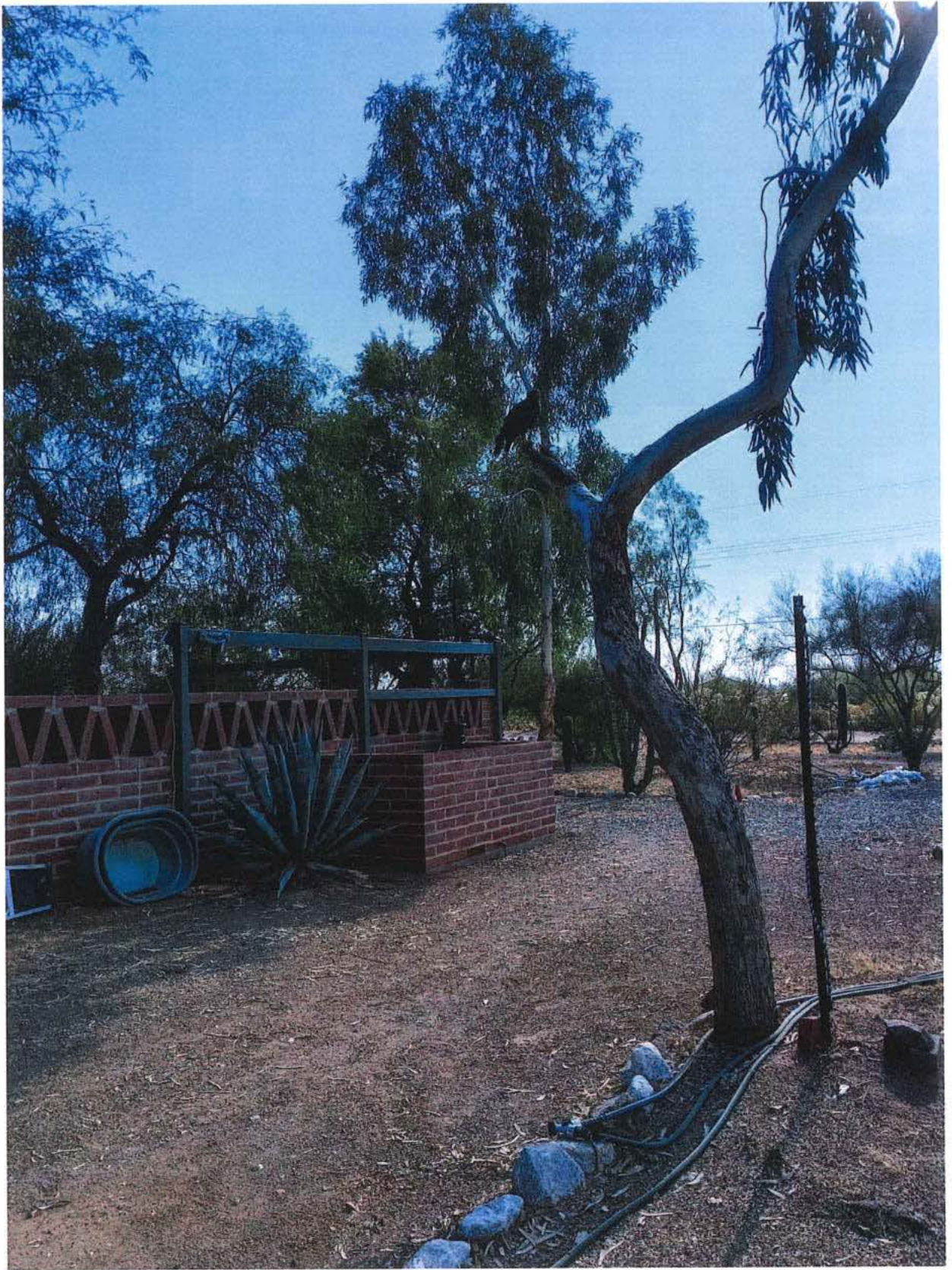
EXHIBIT F











To The Pima County Board of Supervisors,

Although many site developers and cellular service providers will argue that the Telecommunication Act (TCA) of 1996 prohibits local governments from regulating telecommunications facilities, this is simply untrue.

Please read the attached document from the brief. This gives you the right when necessary to enforce and protect the Pima County Codes put in place for the communities in our County.

We the constituents of picture rocks, District 3, are grateful the Board of Supervisors have stood by the Pima county codes and citizens without being bullied by tower companies when they are trying to work around our laws. Please know we appreciate you and will also stand up for the County.

Included: The Telecommunication Act of 1996

Point List to uphold Pima County Codes

POINT I

Granting Vertical Bridge Permission To Construct
a Wireless Telecommunications Facility at the
Proposed Location Would Violate Both the
Provisions of the Pima County Zoning Code
and The Legislative Intent Thereof

A. Local Municipalities Are Authorized by the TCA to Regulate Telecommunications Facilities

The proliferation of wireless communications facilities has resulted in the need for municipalities to pass legislation to regulate their construction. Although many site developers and cellular service providers will argue that the Telecommunications Act of 1996 (TCA) prohibits local governments from regulating telecommunications facilities, this is simply untrue. The TCA, 47 U.S.C. §332(c)(7) specifically *preserves local zoning authority*. Subsection (A) provides for general authority as follows:

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

While subsection (B) forbids a municipality from “unreasonably discriminat[ing] among providers” and from completely “prohibiting the provision of personal wireless services” the fact remains that a municipality may restrict the placement, location, construction, and modification of wireless facilities in their community through zoning regulations. *See, T-Mobile South, LLC v. Roswell*, 135 S.Ct. 808 (2015); *GTE Mobilenet of California Ltd. P’ship v City of Berkley*, 2023 WL 2648197 (D. N.D. CA 2023); *Colfaxnet LLC v City of Colfax*, 2020 WL 6544494 (D. E.D. CA 2020).

“The TCA seeks to strike a balance between its goal of ‘encourage[ing] the rapid deployment of new telecommunications technologies’ without unduly encroaching on traditional local zoning authority.” *New Cingular Wireless PCS LLC d/b/a AT&T Mobility v. Zoning Board of Adjustment of the Borough of North Haledon*, 469 F.Supp.3d 262 (D. N.J. 2020) *citing, T Mobile Ne. LLC v. City of Wilmington, Del.*, 913 F.3d 311 (3d Cir. 2019). “To this end,

it ‘expressly preserves the traditional authority enjoyed by state and local government to regulate land use’ *Id.*, citing, *APT Pittsburgh Ltd. P’ship v. Penn Twp. Butler Cty. of Pa.*, 196 F.3d 469 (3d Cir. 1999); *Extenet Systems, Inc. v. Township of North Bergen, New Jersey*, 2022 WL 1591398 (D.N.J. 2022).

An 80 foot cell tower will be an eyesore and will block residents' views of SNP West, especially Panther Peak. The tallest installations in the area are 35 feet. This is in violation to the Pima County Code, §18.07.030H "To maintain and preserve the existing unique attributes of community character including ...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; and "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,"

Pima County Codes that are being ignored.

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;

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;

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;

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

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;

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

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;

We are zoned Rural Residential

-Property depreciation up to 20 % and may not be able to sell property easily.
3 local realtors gave letters of Knowledge and experience included in exhibit package

-Scenic view affected. moved here for rural community and view, eyesore, also depreciates value, visual disturbance

Municipal codes state project will not adversely impact the character of the community and its rights

-They should not violate the investment that residents/constituents make in their homes

No Gap in Service- There is no demonstrated need for this installation; all residents report good coverage surrounding this location and coverage maps show no gap in service.

18.07.020 must be on county maintained road

Both Roxy Rd and W Massingale Rd are not County maintained roads and suffer severe damage during heavy rains. Roxy Rd is part of an enormous wash and completely floods with large crevice's, impassable at times. Videos attached to exhibit package.

18.12.040 Development standards—General.

Chapter 18.67 BUFFER OVERLAY ZONE

18.67.030

C. Excluded lands:

The buffer overlay zone does not apply to:

1. Any portion of a land parcel that is located more than one mile from a designated public preserve

. Public Preserves.

1. The following lands are designated as public preserves for the purpose of this chapter:

- a. Saguaro National Park (Rincon Mountain and Tucson Mountain districts);
- b. Tucson Mountain County Park;

18.67.050

2. All development in areas identified as having high visual sensitivity, according to the procedures set forth in county site analysis requirements, shall have minimal visual

impact. Development in these areas shall be designed to be in harmony with the form, line, color, texture and scale of the existing landscape.

1. Maximum height: Thirty-four feet;

Mono palms and Mono pines are not permitted in buffer overlay zone. Also Mono Eucalyptus or Elm are not native to the area and will effect the scenic view. One attachment says Eucalyptus, conditional permit says Elm. foliage should mimic native plants.

The proposed type of camouflage (broadleaf, elm or eucalyptus) for the tower is not allowed at this site according to the County Code which specifies that camouflage must mimic native plants within buffer overlay zones.

Buffer overlay Zone, too close to SNPark. 1 mile Per County regulation - this would be .04 (2000ft) miles to national park

They need to stop trying to put a tower 8 stories high in the 1 mile radius of the saguaro national park.

Wildlife

Installation site intersects with 3 County designated protected xeroriparian areas and is part of a protected wildlife habitat. It is home to families of Harris Hawks who are protected under the Migratory Bird Treaty Act.

(-Riparian Area house is in this area. There are 3 habitats, recognized by Pima County, that run through parts of 10510 W Massingale Rd that carry some protection - a Harris Riparian area, shown in the 2nd screenshot, in purple, as well as both Xeroriparian types C and D habitats that also intersect. They go through portions of the property.) Maps available.

-Damaging to wildlife, and fauna

-Impact on birds and bees due to electromagnetic smog, honey bees are unable to return to their hives leading to colony collapse. Radiation impacts on wild birds documented nest abandonment, plumage deterioration, locomotion problems and death. **Usfws Al Manville 2016.**

-Harris hawks are protected migratory treaty act by usfws, it will affect and be dangerous/cause death for them Studies done by usfws, articles available to show effects

fyi

-Should be in more densely populated as recommended for towers, half of tower will be over quarry

-FCC gives regulations from 1996 not updated for accurate protection from 5G

This is about financial gain and greed, not about servicing the community

-Companies come in install and leave, do not care about community

-The signal will go over the quarry and national park, 180 degrees will be wasted, better at fire station already has one. Because its out of the buffer zone.

-Opposition would have increased significantly but, the quarry is half the area, 180 degrees of the tower installation sight.