



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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March 17, 2014

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P21-13-024

PESCHKA & HOPKINS — S. SONOITA HIGHWAY

Type I Conditional Use – Communication Tower

Background & Authority

Chapter 18.97, in accordance with Section 18.07.030.H.2.E of the Pima County Zoning Code, requires a Type I conditional use permit for a communications tower on property zoned RH (Rural Homestead). This particular request is to replace an existing communications antenna with a new thirty-four foot (34') tower to improve service and data-transmission capacity in the surrounding area.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on March 12, 2013. The applicant (Pinnacle Consulting, on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's questions.

No (0) members of the public chose to attend to speak on the matter at public hearing. Staff indicated that it had received two (2) phone calls, both of which were from property owners in the area and both of which were informational, with no objections being expressed.

After hearing all of the above and after questioning the owner and applicant as to certain particulars of the new tower, the Hearing Administrator closed the public hearing.

Required Standards and Findings

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

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

The Comprehensive Plan designates the subject as *Low Intensity Rural (LIR)*, the purpose of which is to, “provide areas for low-density rural residential and other compatible uses.”

The site in question is quite remote, with few neighbors within a ½-mile radius. In addition, the rolling nature of the topography, combined with the relatively short height of the proposed tower, allows it to be integrated into this setting with relatively minor visual impacts. For all of these reasons and because the proposed tower does little to alter the rural residential character of the area, the Hearing Administrator finds the proposed use to not be in conflict with the stated goals of the Comprehensive Plan.

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

Due to the distance to surrounding residences, no new or special safeguards are necessary to protect the surrounding neighbors.

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

The property is served by a rural dirt road, but it has connectivity to Sonoita Highway, the latter of which is a designated “Major Street” per the Pima County Major Streets & Routes Plan. Access is found to be adequate, given that there is no material traffic to and from the site except for installation and occasional maintenance purposes.

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

This is an unmanned wireless facility. Parking sufficiency will be verified at the time of permitting.

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

The proposed use is found to not threaten the surrounding properties in any of the above ways. Standard code requirements shall serve to adequately address these issues.

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

This is an unmanned facility; no Special Conditions or other requirements are warranted.

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

Landscaping requirements, if any, will be verified at the time of permitting.

Hearing Administrator's Comment

The Hearing Administrator noted, at public hearing, that no neighbor outreach had been undertaken by the applicant. While he indicated that this clearly did not have any negative impact upon this particular application, he instructed the applicant representative that he expected such outreach to be done with all future communication tower conditional use applications that might be brought before him.

Hearing Administrator's Decision

This application for a Type I conditional use permit for a communication tower, on property zoned RH, is hereby approved by the Hearing Administrator. This approval is subject to the *Standard Code Requirements* and *Special Conditions* as outlined below:

Standard Conditions & Code Requirements

The Pima County Zoning Code stipulates that Type I communication towers be no more than fifty feet (50') in height. The proposed tower is thirty-four feet (34') tall.

Special Conditions

- 1) The height of the new tower shall be no more than thirty-four feet (34') and shall be located as shown on the submitted site plan materials.
- 2) No new ground disturbance shall occur with the installation of the new tower in conjunction with this conditional use permit. The new tower, equipment area, and cabling shall use only the existing disturbed area.

As is the case with all Type I conditional use applications, this decision is subject to a statutory 30-day protest period from the date of this decision. If a valid protest is received within the 30-day period, an appeal hearing will be scheduled before the Board of Supervisors, who shall then make the final decision on this conditional use permit.

In that the Hearing Administrator's decision on this case was verbally rendered and entered into the record at the public hearing of March 12, 2014, it is hereby established that the 30-day protest period shall commence from this public hearing date.

Any party interested in filing an appeal should contact Mr. Tom Drzazgowski, Pima County Deputy Chief Zoning Inspector, at phone number 724.6675. Please be advised that filing fees apply to any appeal, and that these fees are payable by the party filing the appeal request.

Respectfully Submitted:



Jim Portner
Pima County Hearing Administrator

March 17, 2014
Date