



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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

CARMINE DeBONIS
Director

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July 27, 2015

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Hearing Administrator's Approval of Time Extension

P21-14-013

**TUCSON UNIFIED SCHOOL DISTRICT NO. 1 — N. BOWES ROAD
Type I Conditional Use – Communication Tower**

The applicant on the above previously-approved Conditional User Permit case, Adam Brixius (on behalf of Verizon Wireless), has requested a one-year time extension to complete the construction drawings and final arrangements with the property owner as necessary for the ultimate permitting of the tower.

After hearing the above time extension request at the public hearing of July 21, 2015, the Hearing Administrator approved the applicant's request for a one-year time extension.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Jim Portner".

Jim Portner
Pima County Hearing Administrator

July 27, 2015
Date



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Hearing Administrator's Approval of Time Extension

P21-14-016

**RIGOLI — E. CAMINO JUAN PAISANO
Type I Conditional Use – Communication Tower**

The applicant on the above previously-approved Conditional User Permit case, Adam Brixius (on behalf of Verizon Wireless), has requested a one-year time extension to complete the construction drawings and final arrangements with the property owner as necessary for the ultimate permitting of the tower.

After hearing the above time extension request at the public hearing of July 21, 2015, the Hearing Administrator approved the applicant's request for a one-year time extension.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "J. Portner", is written over a horizontal line.

Jim Portner
Pima County Hearing Administrator

July 27, 2015

Date



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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P21-15-012

**VISION CHURCH — N. BENET DRIVE
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 new communications tower on property zoned SR (Suburban Ranch). This particular request is made by Ryan Rawson on behalf of Verizon Wireless. Verizon proposes to construct a new fifty-foot (50') tall communications tower and antennae, together with an on-the-ground equipment cabinet. The proposed tower will be camouflaged as a faux palm tree ("monopalm").

Particulars of the Request

The proposed tower (monopalm) will essentially be located in the center of this ten-acre property, placing it a significant distance from any adjacent property. The on-the-ground equipment area will be enclosed within an 8' masonry wall. The property already contains developed elements, namely the Vision Church campus.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on July 21, 2015. The applicant (Ryan Rawson on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's various questions.

Two (2) member of the public attended the hearing to speak on the matter, these being nearby residential property owners. The speakers indicated their concerns with respect to potential negative impacts on their property values, as well as the possibility of health-related impacts upon the families and children in the area. The Hearing Administrator heard those concerns and also explained the limitations imposed by the 1995 Federal Telecommunications Act, wherein property-value and health-related considerations cannot be considered by local zoning authorities.

Staff indicated that it had received no (0) phone calls or inquiries on the case.

After hearing all of the above, and after further questioning the applicant as to certain particulars of the proposed tower as follow-up to the public testimony, 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 *Resources Transition (RT)*, the purpose of which is to, "preserve the open space characteristics of development sensitive lands in the vicinity of public resource management units, to promote development that blends with the natural landscape, to extend visually the public land boundaries, and to protect wildlife habitat." The site in question carries this designation due to the surrounding area's general proximity to the Tucson Mountains and to Saguaro National Park West.

The site in question exists within a largely developing context comprised of residential subdivisions and various non-residential properties and services located to the northeast within the Town of Marana. The site itself contains the existing campus of Vision Church, with its main building and parking lots. Significant power lines and other vertical elements also run diagonally through the subject site. The properties to the west and south are typically of lower density and are unsubdivided residential. The proposed tower is well separated and buffered from all of these residential uses, being located essentially in the center of a ten-acre (10 AC) property; this places it more than 300' from any adjacent property line. In addition, the tower will be camouflaged as a faux palm tree, further attempting to respect the surrounding context and viewshed. For all of these reasons, the Hearing Administrator finds the proposed use to not be in conflict with the above 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.**

No new or special safeguards are necessary to protect the surrounding neighbors, other than the proper aesthetic treatment of the proposed tower. Special conditions have been crafted to address these particulars.

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

The property has direct access to Benet Drive, a paved public roadway that ultimately connects to Silverbell Road, the latter of which is a designated major street on the Pima County Major Streets & Routes Plan (MSRP). Access is found to be adequate.

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

This is an unmanned wireless facility. Parking sufficiency and compliance with the Zoning Code in this regard 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 Decision

This application for a Type I conditional use permit for a communication tower, on property zoned SR, 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 allows Type I communication towers of the proposed height (50') within the SR zone, subject to the conditional use permit process.

Special Conditions

- 1) The height of the new tower shall be no more than fifty feet (50') to the top of the steel structure, including the antennae array.
- 2) The tower will be camouflaged as a faux palm tree (monopalm). The fronds of the monopalm are allowed to extend above the prescribed 50' tower height.
- 3) Any cabling serving the antennae array shall be concealed within the monopalm "trunk".
- 4) The on-the-ground equipment area shall be generally located as shown on the submitted site plan and the 8' masonry wall and metal gates shall be painted a desert tan or light brown color.
- 5) The prefabricated equipment shelter within the compound, which is taller than the 8' masonry wall, shall be painted a color to match the wall.
- 6) At the time of permitting, the applicant shall demonstrate that the proposed tower and equipment area is wholly outside of the existing 100' utility easement or, alternatively, provide written permission from the appropriate utility companies to be located within said easement.

Protest Period and Appeal Procedures

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 verbally rendered his decision to approve this request at the 21 July public hearing, the 30-day protest period shall commence from the same 21 July, 2015 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

July 27, 2015

Date



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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P21-15-013

**FRIENDS IN DEED, INC. — W. CAMINO CASA VERDE
Type I Conditional Use – Communication Tower (Light Pole Replacement)**

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 (light pole replacement) on property zoned RH (Rural Homestead). This particular request is made by Insite, Inc. on behalf of Verizon Wireless. Verizon proposes to construct a new thirty-eight foot (38') tall communications tower and antennae, together with an on-the-ground equipment cabinet. The proposed tower will replace an existing twenty-two foot (22') tall light pole that is one of several light poles on the property servicing the existing parking for the Bayada Nursing building. The replacement pole will match the existing pole and light fixture in color, style, and general appearance and will utilize a slim profile for the new antennae array.

Particulars of the Request

The proposed tower (replacement light pole) will be located in the southwest portion of the parking lot that serves the existing Bayada Nursing building. The on-the-ground equipment cabinet will be sited nearby, adjacent to (and screened by) an existing decorative masonry wall.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on July 21, 2015. The applicant (Lance Massey of Insite, Inc. on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's various questions.

One (1) member of the public attended the hearing to speak on the matter, this being a nearby residential property owner to the northwest of the subject property. The speaker indicated his opposition to the request for the following reasons: 1) he felt the applicant was purposefully pursuing this application during the

summer months while many of the “snowbirds” were out of town, 2) he felt that he and his neighbors had not been properly informed as to the request; and 3) he and his neighbors had paid view premiums for their residential lots and were concerned that the tower will negatively impact their views. In summary, he indicated that he intended to pursue the matter further with his homeowners association and stressed that, if this application were approved by the Hearing Administrator, he and his HOA would appeal that decision.

Staff indicated that it had received a small number phone calls on the case, all of which could be considered informational.

After hearing all of the above, and after further questioning the applicant as to certain particulars of the proposed tower as follow-up to the public testimony, 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 *Medium Intensity Urban (MIU)*, the purpose of which is to, “designate medium density residential and other complementary uses”.

The site in question exists within a largely developed context comprised of residential subdivisions and various non-residential properties and services. It is surrounded by public-street rights-of-way, the major frontage of which is La Canada Drive. The proposed tower employs a creative and integrative siting approach, replacing an existing light pole and fixture that already serves an existing parking lot. The height increase of the light pole (from 22’ to 38’) is considered reasonable and, due to compact profile of the new antennae array, will have no significant impact on the surrounding uses or the prevailing viewsheds. For all of these reasons, the Hearing Administrator finds the proposed use to not be in conflict with the above 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.**

No new or special safeguards are necessary to protect the surrounding neighbors, other than the proper aesthetic treatment of the replacement light pole. Special conditions have been crafted to address these particulars.

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

The property has direct access to La Canada Drive, a designated major street on the Pima County Major Streets & Routes Plan (MSRP). Access is found to be adequate.

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

This is an unmanned wireless facility. Parking sufficiency and compliance with the Zoning Code in this regard 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 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 allows Type I communication towers (light pole replacements) of the proposed height (38') within the RH zone, subject to the conditional use permit process.

Special Conditions

- 1) The height of the new tower (light pole replacement) shall be no more than thirty-eight (38') to the top of the steel structure, including the antennae array.
- 2) The replacement light pole shall be of the same style, color, and general appearance as the existing light pole which it is replacing. The antennae array shall be of the flush-mounted variety as illustrated in the applicant's submitted materials and shall be painted the identical color of the light pole. The microwave dish shall also be painted the same color.
- 3) Any cabling serving the antennae array shall be concealed within the light pole or be hidden within a cable tray that is painted the identical color as the replacement light pole.
- 4) The on-the-ground equipment cabinet shall be generally located as shown on the submitted site plan and, per the testimony provided by the applicant at public hearing, shall be located outside of the nearby Pima County right-of-way.
- 5) The equipment cabinet shall be painted a color that generally matches the nearby masonry wall.

Protest Period and Appeal Procedures

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 verbally rendered his decision to approve this request at the 21 July public hearing, the 30-day protest period shall commence from the same 21 July, 2015 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

July 27, 2015
Date