



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

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

**CARMINE DeBONIS**  
Director

Phone: (520) 740-6520  
FAX: (520) 798-1843

May 18, 2015

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P21-15-003**

**GREEN VALLEY RECREATION, INC. — S. VIA ARCO IRIS  
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 CB-1 (Business). This particular request is made by Pinnacle Consulting, LLC on behalf of Verizon Wireless. Verizon proposes to construct a new seventy-nine foot (79') tall communications tower and antennae, together with an on-the-ground equipment area, within the parking lot of the Green Valley Recreation complex. The tower is proposed to be camouflaged as a faux palm tree.

**Particulars of the Request**

The proposed tower (faux palm tree) will be located in the extreme southwest corner of the large parking lot that serves the Green Valley Recreation complex. The parking lot is located at the southwest corner of Vista Hermosa Drive and Via Arco Iris. The on-the-ground equipment area will be enclosed by an eight foot (8') tall masonry wall. The tower and enclosure will replace three (3) of the existing vehicular spaces in the parking lot. Existing medical offices are located to the west and south of the proposed tower site.

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was originally held on this application on March 24, 2015. The applicant (Pinnacle Consulting on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's questions. After learning that there were potential issues with the property owners association that governed the subject property, the Hearing Administrator continued the case to May 13, 2015, instructing the applicant to engage the appropriate parties involved so as to discuss and resolve the issues at play.

The public hearing resumed on May 13, 2015 as scheduled. The same applicant once again presented the conditional use permit request, updating the Hearing Administrator and describing another neighborhood meeting that had been held since the original public hearing. It was stated by the applicant, and concurred upon by the Deputy Chief Zoning inspector who attended the meeting, that a show of hands at the gathering indicated that all but five of the fifty to fifty-five people in the room were in support of the new tower. A description of the prior neighborhood meetings held by the applicant was included in the submittal materials accompanying this CUP application, said meetings dating back to September, 2014.

One (1) member of the public attended the May 13, 2015 public hearing to speak on the matter, this being the owner of Green Valley Chiropractic to the immediate west of the proposed tower location. The speaker indicated his opposition to the request for the following reasons: 1) the elimination of existing parking spaces to accommodate the new tower will worsen an already severe parking problem that occurs when Green Valley Recreation holds large events, 2) the overflow parking from such events routinely uses his office's parking, making it sometimes difficult for his patients to find spaces, and 3) the views of the distant mountains from his location will be effectively eliminated by the new tower.

Staff indicated that it had received some phone calls on the case and that it had received an email and several letters of opposition.

After hearing all of the above and after questioning the owner and applicant as to certain particulars of the proposed tower following 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 *Community Activity Center (CAC)*, the purpose of which is to, "designate medium-intensity mixed-use areas designed to provide goods and services needed generally on a weekly basis along with compatible medium to high density housing types.

The site in question is part of large and established business and commercial setting (located at one of Green Valley's major arterial intersections) containing medical offices, a small shopping center, numerous retail goods and services, and the Green Valley Recreation complex. The proposed tower will be integrated into the existing business/commercial setting by camouflaging it as a palm tree. 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.**

The surrounding properties are all business, commercial, or office in nature. No new or special safeguards are necessary to protect the surrounding neighbors, other than the proper aesthetic treatment and camouflaging of the tower as the intended faux palm tree.

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

The property has direct access to paved, public streets which then have 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 CB-1, 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 (79') within the CB-1 zone, subject to the conditional use permit process.

**Special Conditions**

- 1) The height of the new tower shall be no more than seventy-nine (79') to the top of the steel structure (including the antennae array).
- 2) The tower shall be camouflaged as a faux palm trees, with the top height of the fronds being allowed to extend to a height of eighty-five feet (85').
- 3) The lower portion of the tower will be painted a dark brown color to, as best as possible, replicate a palm tree trunk. The fronds shall be dark green in color. The antennae array shall be painted a green color to match the artificial fronds.

- 4) Any visible cabling serving the antennae array shall be painted brown or green as appropriate to match the tower structure.
- 5) The on-the-ground equipment enclosure shall be enclosed with an eight foot (8') tall masonry screenwall and shall be painted a color that blends with the other buildings or wall structures in the immediate area.
- 6) The property owner, Green Valley Recreation, Inc., shall make a good faith effort to contain its parking on-site during special events which occur during weekday, daytime hours, and to respond promptly to parking complaints received from surrounding business owners.

**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. The 30-day protest period shall commence from date of this written decision.

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:



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Jim Portner  
Pima County Hearing Administrator

May 18, 2015  
Date



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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P21-15-007**

**TRIESTE — E. CATALINA HIGHWAY  
Type I Conditional Use – Adaptive Reuse**

**Background/Authority**

Chapter 18.97, in accordance with Section 18.09.020.R of the Pima County Zoning Code, requires a Type I conditional use permit for an adaptive reuse on property zoned SR-2 (Suburban Ranch). This particular request is to use a portion of an existing single-family residence structure (the connected guest house) for a salon that provides hair styling and massage services. The property in question is a 1.66-acre parcel located on the north side of Catalina Highway, approximately five hundred feet east of its intersection with Calle Entrada.

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on May 13, 2015. The applicant (Torry Pearson) presented the application to the Hearing Administrator and answered his few questions on the application.

Two (2) members of the public attended the hearing to speak on the matter. Neither indicated that they had objections to the request, and that they came to the hearing to learn more about the substance of the application. Upon hearing same from the applicant, both expressed support for it as long as the use in question did not alter the character of the existing residence or the surrounding residential area.

Staff reported that they had received one (1) telephone inquiry prior to the public hearing, which was informational in nature. Staff also indicated that the applicant had canvassed the neighborhood and submitted several form letters of support from the surrounding property owners.

After hearing all of the above and asking some final questions to the applicant, the Hearing Administrator closed the public hearing and verbally rendered his decision to approve the request, indicating that his final written decision would contain certain special conditions designed to appropriately frame the proposed use.

### **Hearing Administrator's Decision**

This application for a Type I conditional use permit for an adaptive reuse on property zoned SR-2, is hereby approved by the Hearing Administrator. This approval is subject to the *Standard Code Requirements* outlined below, as well as the supplemental *Special Conditions* crafted by the hearing administrator. Conditions of approval are as follows:

#### **Standard Conditions & Zoning Code Requirements**

1. The proposed use shall conform with all requirements of Section 18.09.020.R (Adaptive Reuse) of the Pima County Zoning Code.

#### **Special Conditions**

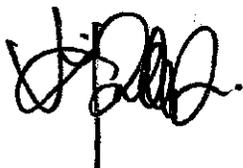
1. This conditional use permit is approved for a salon use as described in the application materials, specifically for hair styling and massage services. No other commercial uses are allowed.
2. Non-residential uses which depart substantially from the above shall require a new conditional use permit application, public notice, and public hearing process.
3. Hours of operation shall be primarily daytime in nature and are limited from 8:00 AM to 6:00 PM.
4. No formal Pima County Development Plan or review process is required. The owner/applicant shall submit a final Site Plan for the property, which shall be reviewed and approved by the Deputy Chief Zoning Inspector, who shall work with the owner to insure that all pertinent annotations regarding dimensions, setbacks, required parking spaces, etc. are provided thereon.

### **Appeal Procedures**

The owner, applicant, or any owner-of-record within the legal notification area can appeal this decision, which will result in a subsequent public hearing on this matter before the Pima County Board of Supervisors. The appeal must be filed, in writing, within thirty (30) days of the Hearing Administrator's rendering of this written decision. As this decision was rendered verbally at the May 13, 2015 public hearing on this matter, it is hereby ordered that the 30-day appeal period commence from the same May 13, 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

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May 18, 2015  
Date



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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P21-15-008**

**NORTHWEST FIRE DISTRICT — N. CAMINO DE OESTE  
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 SR (Suburban Ranch). This particular request is made by Pinnacle Consulting, LLC 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 area, on the site of an existing fire station. The tower is proposed to be camouflaged as a faux, "old west" water tower, with the antennae arrays concealed completely within the "watertank".

**Particulars of the Request**

The proposed tower (faux water tower) will be sited south of the existing fire station building and be setback approximately one hundred thirty feet (130') from the Camino de Oeste east right-of-way line. The on-the-ground equipment area will be enclosed by an eight foot (8') tall masonry wall that will be painted palo verde green to, as best as possible, blend in with the existing surrounding desert vegetation. The equipment enclosure will sit in front of the water tower and be setback approximately one hundred feet (100') from the Camino de Oeste east right-of-way line.

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on May 13, 2015. The applicant (of Pinnacle Consulting on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's questions. The applicant indicated that they had held three (3) separate neighborhood meetings on the application. Invitations were mailed to all property owners within a three hundred foot (300') notification area; supplemental notification was also provided to the leadership of the Tucson Mountain Association and the Gates Pass Neighborhood Association, who further distributed the information to their membership as they saw fit. Documentation on the meetings was included in the applicant's submittal package for this CUP application.

The applicant testified that different design options were presented at the meetings for camouflaging the proposed tower, including the faux “old west” water tower and a faux palm tree. It was their understanding, as a result of the meetings, that those individuals in closest proximity to the site clearly preferred the old-style water tower.

Nine (9) members of the public attending the May 13, 2015 public hearing chose to speak on the matter. Several individuals, including representatives of the leadership of the Gates Pass Neighborhood Association, testified that the old-style water tower was wholly inappropriate as a camouflaging choice, that it was inconsistent with the flavor and character of the surrounding area, and that the visibility of the tower from distances far beyond the immediate site context demanded that a larger viewshed be the basis for determining the most appropriate camouflaging method. In that regard, a faux palm or pine tree were suggested as better choices, given that non-native palm and pine trees were present elsewhere within the viewshed.

Other speakers testified that those residents located closest to the fire station site would be the most directly affected and that, as such, their preference should be given priority. Several residents immediately adjacent to or nearby the fire station concurred that the old-west water tower was their preference. A representative of the Tucson Mountain Association indicated that, while no formal consideration or vote by their Board had taken place on the matter, it was their general position that the closest and most directly-affected property owners should be given greater consideration in the matter than those further away.

A representative of Northwest Fire District also testified, stating that the District only seeks to place towers on their fire station sites when they themselves need improved wireless communications for conducting their emergency services and dispatching. He stressed that this was definitely the case at this particular location and that the District’s communications continue to generally be more and more dependent upon wireless technologies.

Staff indicated that it had received a variety of telephone inquiries on the application prior to the hearing, as well as emails and letters of opposition. Same were included in the case file and provided to the Hearing Administrator.

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

### **Hearing Administrator’s Comments**

Communication towers in rural or low-density areas routinely raise a variety of challenging issues for the surrounding residents and for the local zoning authority. The following comments are put forth on the issues below which arose at public hearing on this case so that readers can have a fuller understanding as to the rationale underlying this Hearing Administrator’s decision:

**Frame of Reference for Determining Appropriate Camouflage.** In this particular case, there was a disagreement as to the best camouflaging method for the tower in question. This led to the basic question as to whose preferences should be given greater weight, i.e. those property owners who are in the closest physical proximity, or the more distant residents who experience the larger viewshed. The Hearing Administrator dismisses the notion that a faux old-west water tower will destroy, or even significantly harm, the larger viewshed. Its presence constitutes a detail within what will remain a beautiful panoramic valley vista. The Hearing Administrator supports the notion that the preference of the most immediately affected property owners should determine the most appropriate camouflaging method.

**Pima County Process.** There were assertions by some speakers that the Pima County process had, in this case, been unfairly fast-tracked and that insufficient notice had been given to the surrounding property owners. The Hearing Administrator dismisses these assertions. In point of fact, this particular case took a great deal longer than the typical conditional use permit case due to the very fact that the applicant held three separate neighborhood meetings for the surrounding property owners prior to bringing the matter to a public hearing. It should be noted that, while staff always strongly advises applicants to hold at least one neighborhood meeting, the Zoning Code does not require any of an applicant. In terms of notification, the applicant notified all property owners within 300' of the property for their three neighborhood meetings and provided supplemental notification to the leadership of both the Tucson Mountain Association and the Gates Pass Neighborhood Association. Pima County staff used the statutory 1000' notification area for the Hearing Administrator's public hearing. In short, everyone who might need or want to learn about this application was given ample opportunity to do so, and to offer their position on the matter.

### **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 *Resource 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 general area's proximity to the Tucson Mountains and to Saguaro National Park West.

The lands surrounding this particular property are largely developed as low-density residential, both through formal subdivisions and through unsubdivided lot splits. The fire station on the subject property only exists at this location to provide service and protection to this developed residential context. The siting of a communications towers on fire station sites has occurred throughout Pima County and is viewed as a preferred siting alternative, as long as they are suitably camouflaged.

For all of the above reasons, the proposed request is found to not be in serious conflict with the *Resource Transition (RT)* designation of the Pima County 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.**

The surrounding properties are all residential in nature. No new or special safeguards are necessary to protect the surrounding neighbors, other than the proper aesthetic treatment and camouflaging of the tower as the intended faux water tower.

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

The property has direct access to N. Camino de Oeste, which is a paved, public street that already provides adequate service to the Northwest Fire District for its operations. 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 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. The Hearing Administrator finds that the proposed use of a faux water tower to conceal and camouflage the tower and its antennae to be a creative response to a difficult aesthetic challenge. There is also a recognition that this approach is, by far, the most expensive of all possible camouflaging alternatives, so there was clearly no intent on the applicant's part to simply find the least costly option.

#### **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').
- 2) The tower shall be camouflaged as a faux water tower as illustrated on the submitted drawings accompanying this conditional use permit application. The top of the faux water tower structure is also limited to the same maximum height as prescribed in Special Condition No. 1.
- 3) The faux water tower shall be of dark brown color. Any visible associated cabling, etc. serving the concealed antennae will be painted to match the color of the water tower structure.
- 4) The on-the-ground equipment enclosure shall be located on the property as shown on the submitted site plan materials, it shall be enclosed with the eight foot (8') tall masonry screenwall as shown thereon, which shall be painted palo verde green so as to, as best as possible, blend in with the surrounding vegetation.

**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. The 30-day protest period shall commence from date of this written decision.

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:



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Jim Portner  
Pima County Hearing Administrator

May 18, 2015  
Date