



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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

CARLA BLACKWELL
Director

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

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P20CU00008

UNISOURCE ENERGY – N. CRAYCROFT ROAD

Owner: Unisource Energy Corporation

Applicant: Pinnacle Group on behalf of Verizon Wireless

Type I Conditional Use – Wireless Communications Tower

Authority

Chapter 18.97, in accordance with Section 18.07.030.H of the Pima County Zoning Code, requires a Type I conditional use permit (CUP) for a communications tower on property zoned CR-1. The property in question is located on N. Craycroft Road, just south of its intersection with Calle Barril.

Particulars of the Request

This request is made by Pinnacle Consulting, on behalf of Verizon Wireless and Unisource Energy Corporation. Verizon Wireless proposes to construct a new forty-three foot (43') tall communications tower on the south side of the perimeter wall that encloses the TEP sub-station on the property. Verizon's ultimate intent is to co-locate permanently on the existing mono-palm communications tower that is located on the north side of the same TEP sub-station. That existing mono-palm is operated by a competing wireless company; Verizon is currently in negotiations with that provider, as well as with Unisource Energy, to seek the desired co-location on the current mono-palm. In that they anticipate these arrangements and negotiations will require a significant amount of time (approximately eighteen [18] months), Verizon is making this current conditional use permit request for an interim/temporary tower until the ultimate co-location is successfully achieved.

Due to the planned temporary nature of the interim tower, the applicant intends no special camouflage or visual mitigation for the facility. This position is, in the eyes of the Hearing Administrator, in conflict with the stealth requirements of the Scenic Routes ordinance that applies to Craycroft Road, as well as inconsiderate of the existing neighbors in the immediate area. While temporary, the applicant's stated timeframe of 18 months is still a long period of time if you're a property owner in the area. The Hearing Administrator finds that a better balance of operational needs and aesthetic consideration is necessary in this particular case.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on November 18, 2020. The hearing was held telephonically due to the prevailing Covid-19 pandemic. The applicant's representative presented the conditional use permit request and answered the Hearing Administrator's various questions. The applicant's submittal package included narrative information and maps in addition to the proposed development plan for the new tower.

One (1) member of the public attended the hearing to speak on the matter. He was a property owner to the immediate south of the proposed tower and expressed his objection to the request based upon: 1) the County's scenic routes ordinance requiring stealth provisions for such towers and the fact that the applicant was providing none; 2) view impacts; and 3) that he believed such a tower had a major impact on all residential property owners in the area.

Staff indicated that it had received no (0) other telephone inquiries or emails on this application.

After hearing all of the above, the Hearing Administrator closed the public hearing and took the case under advisement.

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 (Pima Prospers) designates the subject site as *Low Intensity Urban 1.2 (LIU)*, the purpose of which is to provide areas for lower density residential uses together with others that are compatible in a primarily residential setting. Many prior communication towers have been approved and successfully located within the same *LIU 1.2* district.

The proposed tower is located on property owned by Unisource Corporation (Tucson Electric Power) and contains an existing walled TEP sub-station. This sub-station has co-existed well for some time now with the many residences that surround it. There's also an existing communications tower (abutting the sub-station's north wall) that is camouflaged as a palm tree. The applicant's intent is to ultimately co-locate permanently on this faux palm tree (or "monopalm"). In the mean time, they are requesting this temporary tower and ground equipment on the south side of the sub-station's perimeter wall.

It is the Hearing Administrator's position that placement of the new temporary communications tower as described is not an unreasonable request. However, eighteen (18) months, while temporary, is still not a short period of time. Based upon all of the above considerations, the Hearing Administrator finds the proposed use to not be in conflict with the Comprehensive Plan as long as suitable measures are taken to provide a reasonable amount of camouflage and visual mitigation in consideration of the surrounding neighbors. The proposed special conditions attached to this approval address same.

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 Hearing Administrator finds that the proposed tower will not have a significant impact upon any of the surrounding properties in a way that prohibits any of their legal or permitted uses.

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

The property takes its access off of a driveway along N. Craycroft Road (from Calle Barril). Craycroft Road is a designated major street and scenic route on the Pima County Major Streets & Routes Plan (MSRP). Access needs for such wireless facilities is minimal at best. With the above in mind, 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.

Parking sufficiency and compliance with the Zoning Code in this regard is a matter 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.

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

This is an unmanned facility; hours of operation do not apply.

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

Landscaping requirements, if any, are a matter always enforced at the time of permitting.

Hearing Administrator's Decision

This application for a Type I conditional use permit for a new communication tower, on property zoned CR-1, is hereby **approved** by the Hearing Administrator, subject to the following *Standard & Special Conditions*:

Standard Conditions & Code Requirements

The Pima County Zoning Code allows communication towers of the proposed height (43') within the CR-1 zone, subject to the Type I conditional use permit process.

Special Conditions

- 1) The height of the new tower structure shall be no more than forty-three feet (43') to the top of the antennae. It shall be located as shown on the submitted site plan and be considered temporary in nature.
- 2) Despite the applicant's expressed interim/temporary nature of this tower, minimal aesthetic mitigation is required in consideration of the surrounding neighbors and in recognition of the Scenic Route requirements for the stealth treatment of communications towers. As such: 1) the entire tower, cabling, antennae and all appurtenances shall be painted a desert tan or similar earth tone color; 2) an eight foot (8') tall masonry wall shall surround the on-the-ground equipment (no cyclone fence is permitted) and

shall be painted the same color as the tower; and 3) any portion of the on-the-ground equipment complex that extends above the top of the eight foot (8') wall shall also be painted the same color as the wall and the tower.

- 3) At which time this facility is successfully co-located upon the existing mono-palm on the north side of the TEP sub-station, this temporary/interim tower and associated ground equipment shall be removed within six (6) months of the date on which the new, co-located facility becomes operable.
- 4) In the event that co-location on the aforementioned existing mono-palm is not achieved within eighteen (18) months from the date on which this conditional use permit is issued, or if the co-location thereon is found to not be possible for whatever reason, then the temporary tower will be replaced with or converted to a mono-palm. This conversion shall be completed within six (6) months of time date on which the initial 18-month approval period has lapsed.

Protest Period and Appeal Procedures

As is the case with all Type I conditional use permit applications, this decision is subject to a statutory 30-day protest period. 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 the date of this written decision

Any party interested in filing an appeal should contact Mr. Elva Pedrego, Senior Planner, at phone number 724.9000. 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

November 23, 2020
Date