



---

# MEMORANDUM

## PUBLIC WORKS - DEVELOPMENT SERVICES

---

**PUBLIC HEARING – March 12, 2014**

DATE: March 6, 2014

TO: Jim Portner, AICP, Hearing Administrator

FROM: Tom Drzazgowski, Deputy Chief Zoning Inspector

SUBJECT: **P21-13-024 – PESCHKA & HOPKINS – S. SONOITA HY.**  
(Pinnacle Consulting – Applicant)  
Type I Conditional Use – Communication Tower

---

**LOCATION:**

The subject property is located in a rural area of Southeastern Pima County. The property is located approximately 1.5 miles east of Sonoita Hy. The property is zoned RH (Rural Homestead).

**SURROUNDING LAND USE OR CONTEXT:**

All of the surrounding properties are also zoned RH.

**PUBLIC COMMENT:**

To date staff has received two calls about the request. The caller inquired about the location and height of the tower. Staff provided the info to the caller. No other public comment has been received on this project.

**PREVIOUS CASES ON PROPERTY:**

There are no previous cases on the property.

**BACKGROUND INFORMATION**

This request is for the installation of a 34 foot monopole on the property. The tower is proposed to replace an existing communication tower installation that has been on the property for many years. The existing communication installation site is low to the ground and appears that there is little to no effect on neighboring properties. In discussions with one of the neighboring property owners it appears that there is radar or other similar device on the property. This is not part of the communication tower installation and has some other use.

**DEVELOPMENT SERVICES COMMENTS:**

This is a Type I conditional use permit for a communication tower. When the zoning code was amended was last amended it included allowing communication towers that are less than 50 feet to be approved through the Type I conditional use process. In discussion with one of the neighboring property owners, staff asked if there was a neighborhood meeting or any other type of outreach from the applicant on this site. It appears that there has been no outreach prior to the submittal of the conditional use request. Staff views this as unacceptable. The code has been amended over the last five years to provide faster time frames and more exceptions so that less communication towers need to go through the conditional use permit process. While not required in the code, there is an expectation that outreach to neighbors occur prior to the submittal of a conditional use permit. Outreach to neighbors prior to the submittal provides an opportunity for the tower company to start a dialogue with the adjacent property owners and to provide information to about the scope of the project. In addition, the applicant has an opportunity to receive feedback about the proposed site. When feedback is received, the tower company has time to propose changes that are available to mitigate the impact.

### **DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL**

The Department of Transportation will not review this project. The Flood Control District will review this project as needed during the permit process.

### **CULTURAL RESOURCES**

Please be aware that Pima County cultural resources requirements could apply to Pima County Conditional Use Permits. If cultural or historic sites will be impacted by the proposed use, mitigation of impacts on sites eligible to the National Register of Historic Places could be required before the County issues the building permit. A first step in identifying the cultural resources status of your property is to request an archaeological records review from the Arizona State Museum (ASM), at 621-2096, and submit it with the permit application. The County Office of Cultural Resources and Historic Preservation will review the ASM report and determine whether additional cultural resources actions are necessary.

### **STAFF RECOMMENDATION**

Staff has **NO OBJECTION** to the conditional use request as long as there are no neighbor concerns that that are brought to staff's attention up to and including at the hearing. Should neighbors address issues about the request it may be appropriate to continue the case or consider mitigation options such as screening, camouflage or a reduction in the height of the tower. Staff is proposing the condition below since this site is on a property with average cross slopes greater than 15%. Conditional use permits are not permitted on property with average cross slopes greater than 15%. The conditional use is permitted on this lot because no new disturbance will occur as a result of this conditional use permit. The new tower is proposed in a location that has previously been disturbed. The new cable that is associated with this request is in the same location as the cable that has been used by the existing permitted communication tower installation. Should the Hearing Administrator be inclined to approve the request, staff suggests the condition below be included as a special condition.

Suggested Condition

**“No new disturbance is permitted as part of this conditional use permit. The new tower, equipment area and cable shall use the existing disturbed area”**

c: Carmine DeBonis, Development Services Director  
Pinnacle Consulting, Applicant