



**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

February 14, 2017

Page 1 of 3

HEARING ADMINISTRATOR'S FINDINGS AND DECISION

**P16CU00012
APC TOWERS — 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 (CUP) for a communications tower on property zoned RH (Rural Homestead). This particular request is made by Declan Murphy of Coal Creek Consulting, on behalf of APC Towers and T-Mobile, as well as on behalf of the property owner, Colton Noble. APC Towers proposes to construct a fifty foot (50') tall communications tower of lattice design.

Particulars of the Request

The property in question is remote and rural in nature. The proposed tower will fill an existing gap that affects the rural residents in the surrounding area. The tower has been specifically sited at the base of a large rock outcropping in an attempt to visually obscure the bottom portion of the tower from many of the nearby residents. No particular form of specialized camouflage is proposed, given the tower's fifty-foot height and the fact that there is a complete absence of any tall tree specimens (pines, etc.) in the surrounding region that could be reasonably replicated by a faux version.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on February 8, 2017. No (0) members of the public appeared to speak on the matter. Staff indicated that it had received no public comment or correspondence (electronic or otherwise) on the case prior to the hearing date.

The applicant's submittal package was comprehensive and included photo simulations and coverage maps in addition to the proposed development plan for the property.

After hearing all of the above, the Hearing Administrator and 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 site as *Resource Sensitive (RS)*, the purpose of which is to designate key larger parcels and land holdings with environmentally sensitive characteristics in close proximity to public preserves or other environmentally sensitive areas. Development of such land shall emphasize design that blends with the surrounding natural desert and provides connectivity to environmentally sensitive linkages in developing areas.

Other communications towers have been approved in the past within the *RS* district. This use is not inherently inappropriate within this district, as long as appropriate aesthetic considerations have been made to, as best as possible, address visual impacts. For this reason, the Hearing Administrator finds the proposed use to not be inherently 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 Hearing Administrator finds that the proposed tower does not negatively impact the surrounding property owners to utilize their respective properties.

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

The property has driveway access via a dirt road only, one which ultimately connects to Sonoita Highway, a designated major street on the Pima County Major Streets & Routes Plan (MSRP). As access to such wireless facilities is minimal at best; 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 always 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 verified at the time of permitting.

Hearing Administrator's Decision

This application for a Type I conditional use permit for a two new communication towers, on property zoned RH, is hereby **approved** by the Hearing Administrator, subject to the following:

Standard Conditions

The Pima County Zoning Code allows Type I communication towers of the proposed height (50') within the RH 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 and on-the-ground equipment shall be located at the base of the large rock outcropping on the property, as indicated on the submitted site plan materials.
- 3) The tower, all associated cabling and antennae, and all of the on-the-ground equipment cabinets shall be painted a color which reasonably blends with the natural color palette of the adjacent rock outcropping.

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. Given that the decision on this case was verbally rendered by the Hearing Administrator at the February 8, 2017 public hearing on this matter, it is hereby decreed that the 30-day protest period will commence from the public hearing date.

Any party interested in filing an appeal should contact Mr. Miguel Velez, Conditional Use Permit Planner & Coordinator, at phone number 724.6395. 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

February 14, 2017
Date