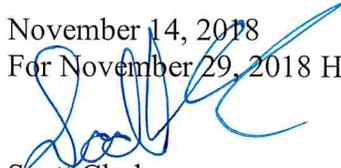




MEMORANDUM

DATE: November 14, 2018
For November 29, 2018 Hearing

TO: John Iurino
Zoning Examiner

FROM: 
Scott Clark
Planning & Development Services
Interim Director

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & AND DEVELOPMENT SERVICES REPORT
SE-18-64 TEP Sonoran Substation – Swan Road, RH Zone (Ward 5)

Issue – This is a request by Tucson Electric Power Company (TEP) for approval of an electric substation as a special exception land use on a 317-acre undeveloped parcel owned by Tucson Airport Authority in the RH zone. The project site area is within a 52.14-acre lease located on the east side Swan Road, approximately 2/3 of a mile south of Old Vail Connection Road (see Case Location Map). The Preliminary Development Plan (PDP) indicates that 16.4 acres of the site are to be graded for construction of the 138 kilovolt (138kV) substation equipment and enclosed with a decorative masonry wall, ten feet in height. The applicant states that the proposed substation and associated facilities are to provide for solar development interconnection, future power supply for planned growth in the area, and contingency for the power system.

A Utilities Distribution System use of this type in the RH zone is subject to Section 4.9.11.A.3, .6, .7 & .10 and 4.9.13.I of the Unified Development Code (UDC) and requires approval through a Zoning Examiner Special Exception Procedure, in accordance with UDC Section 3.4.3. A public hearing before the Zoning Examiner is required. The Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use. The Zoning Examiner may also forward the request to the Design Review Board (DRB) for design review and recommendation.

Planning & Development Services Department Recommendation – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Undeveloped

Zoning Description:

RH (RURAL HOMESTEAD) – This zone provides for primarily low density residential property, with limited commercial and industrial uses to service residential development.

Surrounding Zones and Land Uses:

North: Zoned RH; Vacant, undeveloped
South: Zoned RH and Pima County RH and SP; Vacant, and low density Single-Family Residential
East: Zoned RH and Pima County RH; Vacant, and Arizona State Prison Facility
West: Zoned RH and Pima County RH; Vacant, and low density Single-Family Residential

Previous Cases on the Property: None

Related Cases:

SE-08-45 Cienega Substation – Colossal Cave Road, RH Zone This was a request for approval of a special exception land use for an electrical substation, approximately 2.58 acres in size. The substation is located on a 12.7-acre site located north of Dawn Drive, approximately 750 feet west of Colossal Cave Road. The Zoning Examiner approved the special exception on January 15, 2009.

Applicant's Request – The applicant requests approval of a proposed 138kV substation as a special exception land use within a 52.14-acre lease area on a 317-acre parcel in the RH zone.

Planning Considerations

Land use policy direction for this area is provided by the *Plan Tucson*, which identifies this area on the Future Growth Scenario Map as being within the an "Existing Neighborhood". Existing neighborhoods are defined as maintaining the specific character of these neighborhoods, while accommodating some new development and redevelopment, and new services and amenities that contribute further to neighborhood stability. Policy LT28.2.12 requires development to support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. Policy LT28.2.13 requires development to support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. Policy LT28.1.3 calls for improving the appearance of above-ground utilities and structures.

The applicant states that the proposed utility substation facility will help to ensure capacity, strengthen electric reliability for its customers, help meet future energy needs in the area, and support what will become TEP's largest local community-scale solar array and battery storage system.

The special exception site is zoned is RH (Rural Homestead) zone and is currently vacant, undeveloped land. To the east is vacant land and a state prison facility in RH zone, to the south are low density single-family residential uses in Pima County RH and Pima County SP (Specific Plan), to the west is vacant land and low density single-family residential uses in RH, and to the

north is vacant land, zoned RH. The nearest single-family residential zoned and developed land is located approximately ¼ mile to the southwest across Swan Road.

Vehicular access to the project site is proposed from Swan Road via a 26-foot wide private two-way access easement, which transitions to a 22-foot one-way looped access at approximately half the distance between Swan Road and the proposed substation. Swan Road is identified as an arterial street with a future right-of-way of 150 feet on the *Major Streets and Routes Plan* map.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – The rectangular shaped lease area is located east of Swan Road and approximately 2/3 of a mile south of Old Vail Connection Road in the central-western portion of the subject parcel, which is owned by Tucson Airport Authority. The substation will interconnect with the Wilmot Energy Center, located at the south end of Swan Road. The Wilmot Energy Center will include a 100-megawatt solar array and a 30 megawatt battery storage system. New transmission lines will be constructed by TEP to connect the substation to the Wilmot Energy Center to the south, and another new transmission line will connect existing transmission lines at Old Vail Connection Road and Swan Road to the proposed substation.

Approximately 16.4 acres of the total 52.14-acre project site lease area will be graded, including the substation equipment area. A masonry wall, ten (10) feet in height, with lengths of 1,100 feet in its east-west dimensions and 500 feet in its north-south dimensions, is proposed to enclose the substation ground equipment. The wall location is proposed to be two hundred (200) feet inside of the north, east and south lease area boundaries and approximately 1,100 feet from the west lease area boundary, which borders the east side of the Swan Road right-of-way. The height of the substation's electric transformer equipment within the walled area will be approximately 30 feet. The proposed equipment includes towers, transmission lines and lightning masts will range from 70 feet tall to 120 feet. The lightning masts are a necessity to protect on-site TEP infrastructure.

Use-Specific Standards – Power substations are allowed as a Special Exception land use providing they meet the criteria established in Section 4.9.11.A.3, .6, .7 & .10 of the Unified Development Code (UDC) with approval through a Zoning Examiner Special Exception Procedure, in accordance with UDC Section 3.4.3.

4.9.11.A Distribution System.

- 3. The setback of the facility, including walls or equipment, shall be 200 feet from any existing adjacent residential zone. This setback may be varied in accordance with Sections 3.10.1 and 3.10.3, Board of Adjustment Variance Procedure.*

The substation, including walls and equipment, will be setback at least 200 feet from adjacent residential zones from all sides of the lease area.

6. *Noise emission at the property line shall be equivalent to the residential requirements of the noise ordinance.*

The proposed substation will be in compliance with the residential requirements of the noise ordinance.

7. *No TVI (television interference) or RVI (radio interference) on a continuous basis shall be permitted.*

The substation will not generate such interference.

10. *The us shall include a ten-foot high wall in an earth tone and vegetative landscaping where contiguous to a residential zone.*

The proposed substation is in compliance with landscaping and screening standards.

Conclusion – The proposed substation use is consistent with the *Plan Tucson* and in compliance with performance criteria of *UDC* 4.9.11.A. The proposed equipment compound being located central to the large (317-acre) parcel, the resulting distance from existing residential uses in the area, and proposed screening will minimize impacts on the surrounding natural and built environment. Subject to compliance with the attached preliminary conditions, approval of the requested special exception land use in the RH zone is appropriate.

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated September 27, 2018, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.
6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.

LAND USE COMPATABILITY

7. A decorative masonry screen wall, ten feet in height, and a minimum of 200 feet from the lease area boundary, is to be provided around the perimeter of the substation, and the masonry shall be a color that blends in with the natural surroundings.
8. TEP communication tower and lightning mast poles shall be constructed of a selfweathering steel that will turn rust color and blend with the natural surroundings over time.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case SE-18-64 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case SE-18-64.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case SE-18-64.

Dated this _____ day of _____, 20__.

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

By: _____
(Signature of Owner or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

Its: _____
(Title of Individual Signing in Representative Capacity)

State of Arizona)
)
County of _____)

On this _____ day of _____, 20__, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

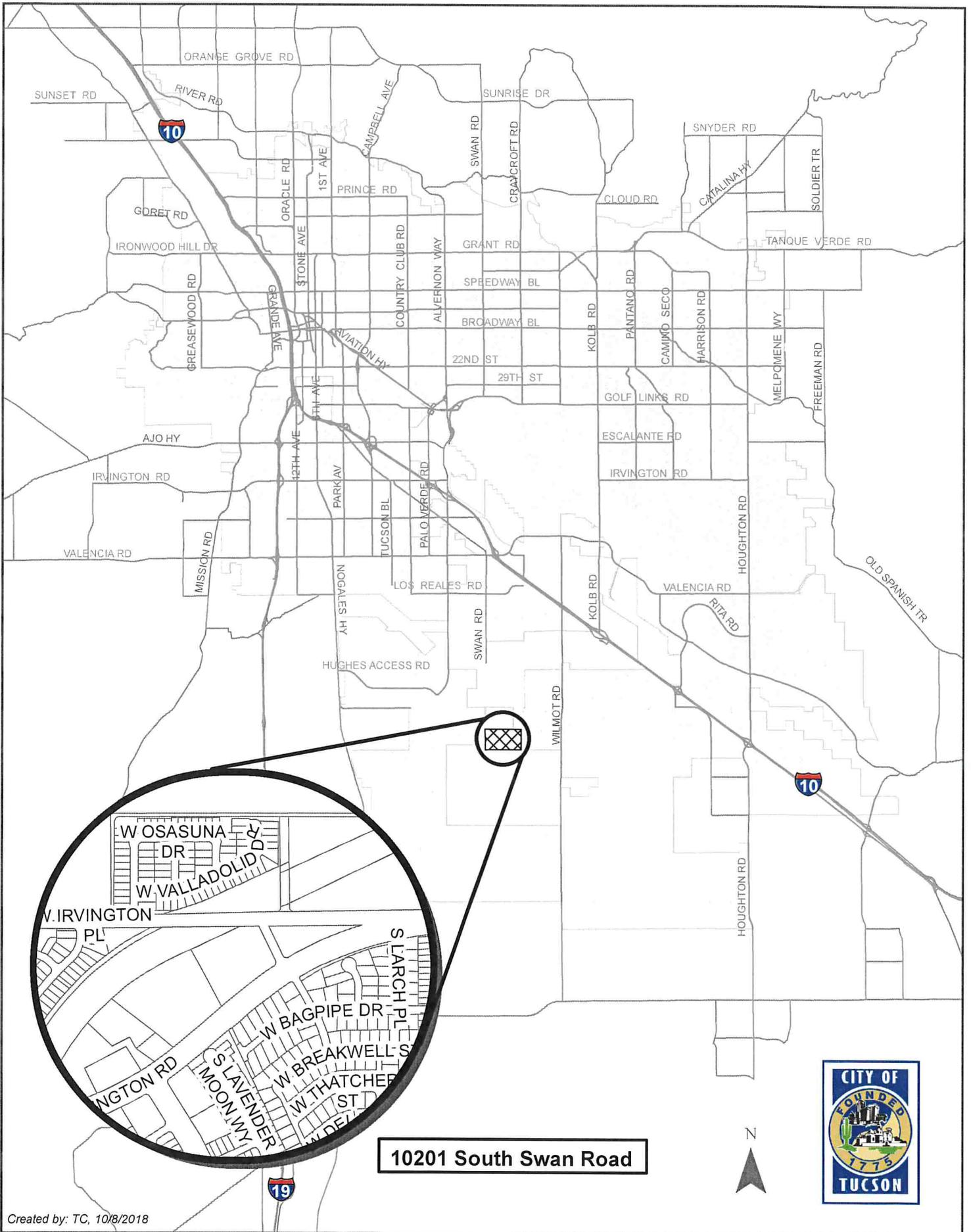
My Commission expires:

City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

SE-18-64 TEP Substation - Swan Road



10201 South Swan Road

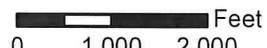
SE-18-64
TEP Substation - Swan Road



 Area of Special Exception Request

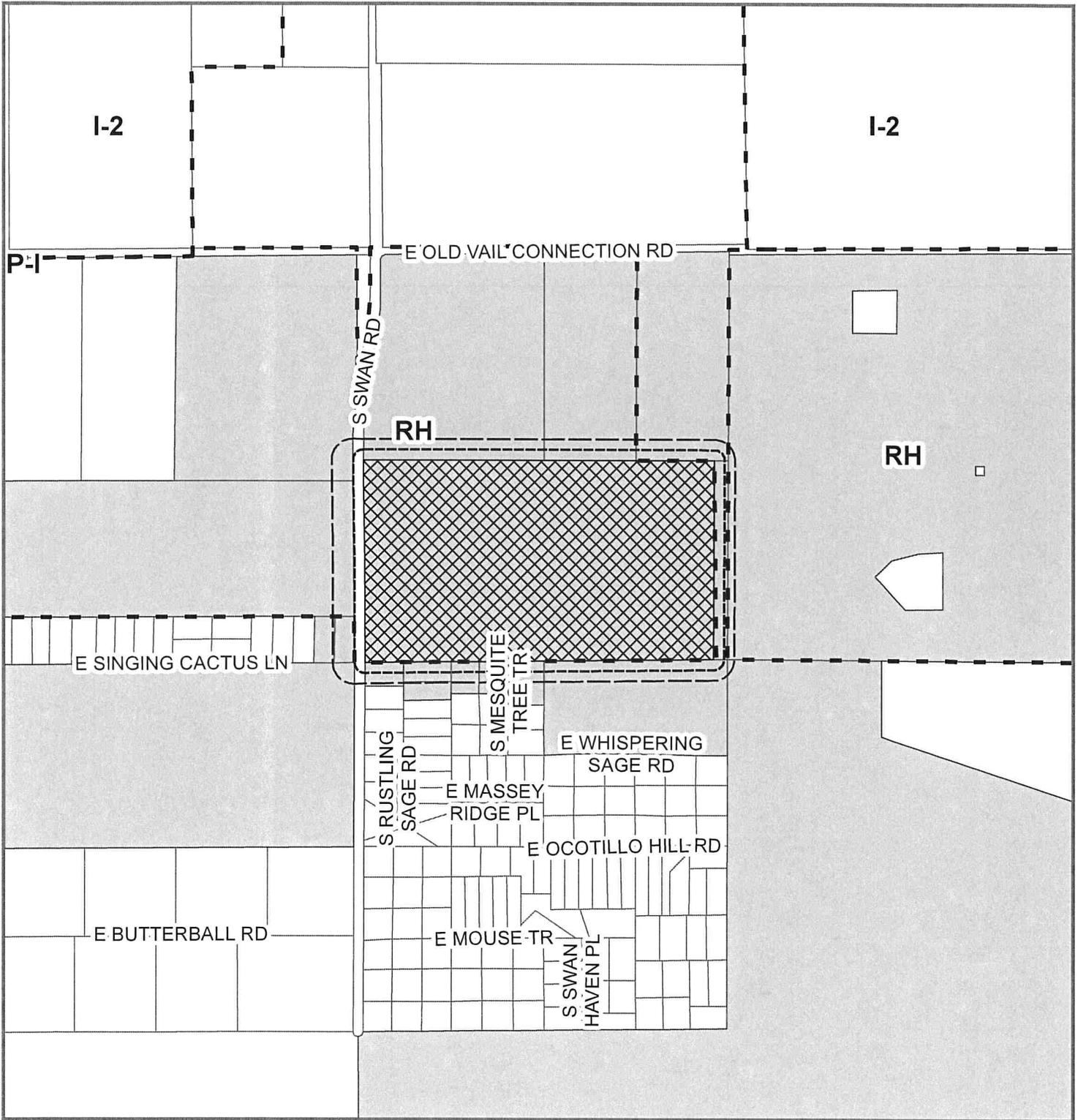


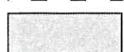
Address: 10201 South Swan Road
Base Maps: Twp.16S Range14E Sec. 02
Ward: 5


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1 inch = 2,000 feet

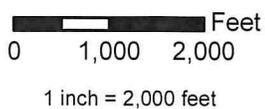


SE-18-64
TEP Substation - Swan Road



-  Subject Property
-  Protest Area (150 ft. Radius)
-  Notification Area (300 ft. Radius)
-  Zone Boundaries
-  Properties Notified

Address: 10201 South Swan Road
Base Maps: Twp. 16S Range 14E Sec. 02
Ward: 5



CITY OF TUCSON PUBLIC HEARING NOTICE

County Assessor records indicate that you are an owner of property located within 300 feet of a parcel that is being considered for a Special Exception.

The Zoning Examiner, on behalf of the Mayor and Council, conducts a public hearing and considers testimony for each Special Exception in the City of Tucson. Persons attending the hearing are to observe rules of propriety, decorum, and good conduct and are to refrain from rude or slanderous remarks. The Zoning Examiner may impose reasonable limitations on the number of speakers and the length of the testimony.

After the Public Hearing, the Zoning Examiner issues written reports with findings of fact and a recommendation. A preliminary report is issued five working days after the close of the public hearing. A final report is issued 14 days after the close of the public hearing and transmitted to the Mayor and Council. Any person may request a public hearing before Mayor and Council provided the written appeal is filed with the City Clerk within 14 days after the close of the Zoning Examiner's public hearing. The Mayor and Council make the final decision on all Zoning Examiner Legislative Procedure special exception requests.

You may speak in favor or in opposition to the Special Exception request during the public hearing. You may also submit a written approval or protest. A form is attached for your convenience.

PUBLIC HEARING INFORMATION

Date: **November 29, 2018**

Time: **6:00 P.M.**

Location: Mayor and Council Chambers* First Floor, City Hall, 255 West Alameda, Tucson, Arizona

The Council Chambers is wheelchair accessible. A request for reasonable accommodation for persons with disabilities must be made to the City Clerk's Office by parties at least five working days in advance of the scheduled meeting and can be made by calling (520) 791-4213 or (520) 791-2639 (TDD).

APPLICANT

Renee Darling

Tucson Electric Power Company

3950 E. Irvington Road, RC 131

Tucson, AZ 85714-2114

SPECIAL EXCEPTION REQUEST

Case: SE-18-64 TEP Sonoran Substation – Swan Road, RH Zone (Ward 5)

Requested Zoning Change: This is a request by Tucson Electric Power Company (TEP) for approval of an electric substation as a special exception land use on a 317-acre undeveloped parcel owned by Tucson Airport Authority in the RH zone.

Requested Zoning Change: This is a request by Tucson Electric Power Company (TEP) for approval of an electric substation as a special exception land use on a 317-acre undeveloped parcel owned by Tucson Airport Authority in the RH zone.

Proposed Development: 16.4 acres of the site are to be graded for construction of the 138 kilovolt (138kV) substation equipment and enclosed with a decorative masonry wall, ten feet in height. The applicant states that the proposed substation and associated facilities are to provide for solar development interconnection, future power supply for planned growth in the area, and contingency for the power system.

Notificación de Audiencia Pública del Examinador de Zonificación

Para oír y tomar en consideración el siguiente caso: **SE-18-64 TEP Sonoran Substation – Swan Road, RH Zone (Ward 5)**

Cambio de Zonificación Solicitada: Esta es una solicitud de Tucson Electric Power Company (TEP) para la aprobación de una subestación eléctrica como una excepción especial en el uso de terrenos en una parcela sin desarrollar de 317 acres propiedad de Tucson Airport Authority en la zona RH.

Ubicación: El área del sitio del proyecto se encuentra dentro de un contrato de arrendamiento de 52.14 acres ubicado en el lado este de Swan Road, aproximadamente 2/3 de una milla al sur de Old Vail Connection Road.

Desarrollo Propuesto: 16.4 acres del sitio deben clasificarse para la construcción de los equipos de la subestación de 138 kilovoltios (138 kV) y se incluyen con un muro decorativo de mampostería, de diez pies de altura. El solicitante afirma que la subestación propuesta y las instalaciones asociadas deben proporcionar la interconexión del desarrollo solar, el suministro futuro de energía para el crecimiento planificado en el área y la contingencia para el sistema de energía.

Si usted desea este documento escrito en Español, por favor llame al número de teléfono: 791-5550

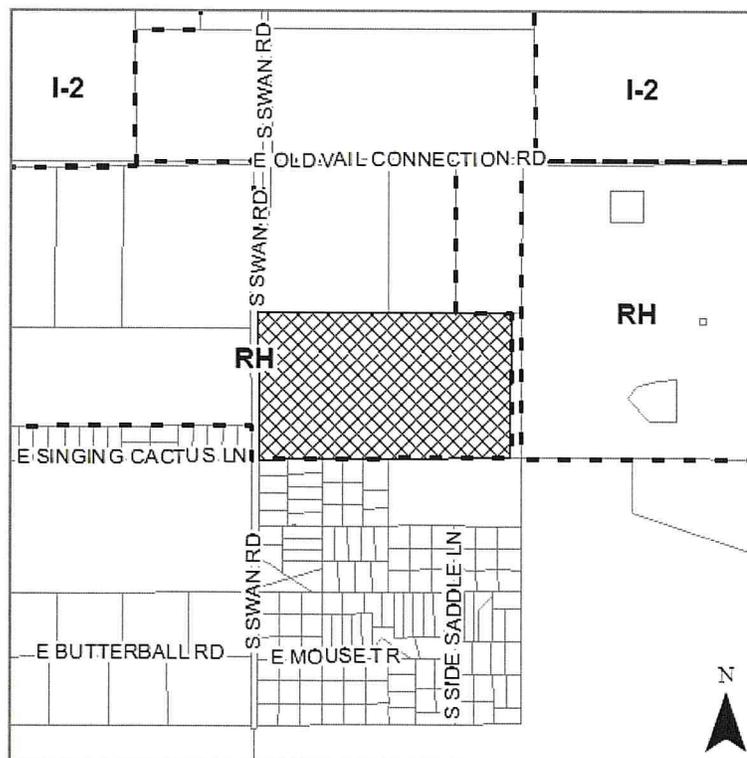
For further information, please call Peter McLaughlin at 791-5550 or write to Planning & Development Services Department – Rezoning Section, P.O. Box 27210, Tucson, AZ 85726

ZONING DISTRICT NARRATIVE SUMMARIES

(For a complete description, refer to Unified Development Code, Article 4, which can be found at <http://www.ci.tucson.az.us>)

Current Zoning:

RH *OFFICE – PROFESSIONAL SERVICE, HIGH DENSITY RESIDENTIAL DEVELOPMENTS, and commercial and industrial uses to service residential development.*



SE-18-64

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, November 14, 2018 at http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html



MEMORANDUM

DATE: November 7, 2018

TO: File

FROM: Rezoning Section

SUBJECT: Certification of Mail Out of Zoning Examiner Public Hearing Notice on a Special Exception Site

CASE NAME: SE-18-64 TEP Sonoran Substation – Swan Road

This serves to place on record the fact that on November 7, 2018, Peter McLaughlin, mailed notice of the Zoning Examiner's November 29, 2018 public hearing for special exception case SE-18-64 a minimum of fifteen (15) days prior to the public hearing.

Signature: _____



Date: _____

Nov. 7, 2018

Attachment: copy of mailing list