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Legal Action Report – Meeting Minutes Design Review Board (DRB)

Members of the Design Review Board (DRB) held a meeting, which was open to the public on:

Date and Time: Friday October 1, 2021, 7:30 a.m.

Location: Meeting was held virtually using Microsoft Teams

- | | |
|-------------------------------------|----------------|
| 1. Call to Order / Roll Call | 7:35 AM |
| Rosemary Bright | Present |
| Susannah Dickinson | Absent |
| Caryl Clement | Present |
| Nathan Kappler | Present |
| Chris Stebe | Absent |

A quorum was established.

- 2. Review and Approval of the 9/17/2021 LAR and Meeting Minutes** **Action Taken**
Motion was made by DRB Member Clement to approve the LAR and draft minutes of August 6, 2021. Motion was duly seconded by Member Bright. All in favor. Motion passed 3-0.

- 3. Call to the Audience**
No Speakers

- 4. Case # DRB-21-18 – TEP Power Poles on Silverbell Road – Variance Request**

Associated Board of Adjustment Case # [C10-21-08 \(T21SA00376\)](#)

Associated Construction Documents: [T21CM05552](#)

[3800 N SILVERBELL RD](#), Parcel # [10310001C](#)

Scenic Corridor Overlay Zone (SCZ)

Action Taken

Staff introduced and the applicant presented the project, providing the following clarifications in response to questions posed by the DRB:

- 1) The roadway design prepared by the City Department of Transportation & Mobility (DTM) takes into consideration potential conflict of trees and the new location of power lines;
- 2) The Silverbell Road improvement project is a regional RTA project. Stakeholders involved during the roadway improvement design included the City of Tucson, Pima County, Town of Marana, tribal interest groups, and the general public;
- 3) Archeological resources are well documented and Pima County has indicated the desire to keep electric lines above ground; Pima County has been overseeing and will be monitoring cultural resources;
- 4) Other utilities such as water, gas and sewer are located below the travel lanes of the right-of-way,

- while electric lines run along the periphery of the right-of-way, and in this case with the expansion of the right-of-way; there are no utilities that are trenching in along the same alignment that TEP needs to construct a power line, so there are no opportunities for collocation;
- 5) Don't know if sewer or other infrastructure lines are being relocated, though they are certainly not going to relocate to the extent that TEP needs to relocate along the entire length of the corridor. There may be isolated instances; and the electric poles would work around the existing underground utilities;
 - 6) All the other utilities have different alignments serving different points; they have different points of origin and termination and it is just the nature of the system is that there's no common utility that would be reconstructed in the exact same footprint as TEP's infrastructure;
 - 7) The depth of the foundation of power poles varies from 4 to 10-12 feet deep, depending on the direct embeddedness or if they're on a foundation; will check with TEP's engineers if it is possible to reduce the depths if the duct bank is encased in concrete;
 - 8) The power poles being relocated to the east side of the road is in response to the hilly terrain on the west side, requiring significant amount of excavation and earthwork creating major impacts with the need of earth work and potentially retaining walls; impact on cultural resources on the east side is going to be significantly less than if it were to be constructed as an underground utility;
 - 9) Infrastructure economics has not been a factor; the project is the result of years of planning and has focused on avoiding the impacts to the rich archaeological resources, avoiding constraints like floodplain in the area, and engineering specifics;
 - 10) East side power lines will be running perpendicular to the tributary washes in the area;
 - 11) There will be no power poles on both sides of the roadway; polls currently on the west side are being relocated on the east side for a portion of the project;
 - 12) Less than 100 power poles are part of the project;
 - 13) The disturbance associated with the planned multi-use path along the east side of the road is not going to be at a depth similar to the electric utility depth;
 - 14) It is not possible to collocate power lines with streetlights due to differences in configuration; streetlights are powered by electric utility, but at a different voltage than the subtransmission voltage, so they are two systems with different design needs; streetlight power lines belong to the City's DTM;
 - 15) Neighbors along the roadway have been part of the discussions of the roadway improvement project; TEP held a neighborhood meeting as part of the variance request process, and there's been public outreach as well, where questions raised were related to reasons for relocation of lines, and the possibility of lines potentially being relocated further east, or all lines being relocated along the east side of the roadway;
 - 16) Have been coordinating with other utility providers to ensure there are no conflicts;
 - 17) The presentation to the DRB today will be the same presentation for the Board of Adjustment, except that today TEP included some elements related to materials and landscaping, including the visual simulations;
 - 18) TEP's plans for the foreseeable future is not to underground, but to maintain power lines as an overhead utility corridor, especially in this location, considering all the constraints;
 - 19) Reliability diminishes for underground utilities, and repair times and maintenance take much longer and are more complicated;
 - 20) Regarding storms, the power poles are going to be self-supporting, with very strong steel structures that are engineered and designed for the weather of the future, increasing reliability;
 - 21) Not aware of other utility projects in the area where cultural resources were an issue;
 - 22) Profile plans included in the variance application provide an illustration of all the alignments of different utilities, including TEP's; the profile shows the unique nature of the electric utility, running

parallel the right of way consistently for the length of the project, unlike the other utilities, creating challenges for a shared alignment;

- 23) The existing TEP alignment predates the City's annexation of the area; now TEP is trying to make the utility line as compatible as possible with the future transportation infrastructure;
- 24) Fiber optics are a combination of above and underground installations.

Motion was made by Chair Kappler to continue this case, requesting applicant to return to the DRB with the following: a) Landscape plan; b) Archeological report with a summary; c) Flood control report with a summary; and d) Exhibit showing what other utilities (for example wastewater, storm water, gas) are doing in the project area with the same restraints and challenges, so DRB can evaluate if this variance request will constitute or not a grant of special privileges (UDC Section [3.10.3.K.3](#)). The motion was duly seconded by Member Clement. Motion passed by a voice vote of 3-0. Motion passed unanimously.

5. Staff Announcements

Informational

Staff informed that a training session on the Sunshine Mile is being organized to include DRB members, the three contracted design professionals, and neighborhood representatives. The training session will be scheduled at a regular DRB scheduled meeting, when no other cases in need for review are part of the agenda, as requested by DRB members at the meeting of September 17, 2021. Staff also informed of upcoming RNA cases that will need DRB review.

DRB members requested the DRB meeting scheduled for October 15, 2021, be rescheduled for October 22, 2021, to avoid schedule conflicts due to schools' fall break and professional conferences.

6. Adjournment

Meeting adjourned at 9:20 AM.