



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 3/7/2023

*- Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

P22CU00016 TK FAMILY LLC – N. TANQUE VERDE VILLAGE PLACE

***Introduction/Background:**

This is a request for a Type III Conditional Use Permit for a Communication Tower in accordance with Section 18.07.030H of the Pima County Zoning Code.

***Discussion:**

The proposed Type III Conditional Use Permit is for a new seventy-foot (70) tall communication tower and associated on-the ground equipment area. The subject property identified as a portion of parcel 205-37-5710 and is zoned RVC (Rural Village Center).

***Conclusion:**

This Type III Conditional Use request will main necessary wireless coverage in the Tanque Verde area.

***Recommendation:**

The Staff and the Hearing Administrator recommend APPROVAL of the request.

***Fiscal Impact:**


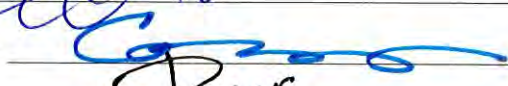

N/A

***Board of Supervisor District:**

1 2 3 4 5 All

Department: Development Services, Planning Division Telephone: 520-724-8800

Contact: Thomas Drzazgowski, Chief Zoning Inspector Telephone: 520-724-6675

Department Director Signature:		Date: 2/14/23
Deputy County Administrator Signature:		Date: 2/14/2023
County Administrator Signature:		Date: 2/15/2023



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Steve Christy, District #4
FROM: Chris Poirier, Deputy Director *Tom Drazgowski For*
Public Works-Development Services Department-Planning Division
DATE: February 14, 2023
SUBJECT: **P22CU00016 TK FAMILY LLC – N. TANQUE VERDE VILLAGE PLACE**
(Conditional Use Type III – Communication Tower)

The above referenced Conditional Use Permit is within your district and is scheduled for the Board of Supervisors' **TUESDAY, March 7, 2023** hearing.

REQUEST: For a **Type III Conditional Use Permit for Communication Tower**, in accordance with Section 18.07.030H of the Pima County Zoning Code on property identified as a portion of parcel 205-37-5710 in the RVC (Rural Village Center) zone.

OWNER: TK Family LLC
8400 E Cresthill Dr.
Tucson, AZ 85750

AGENT: Pinnacle Consulting
1426 N Marvin St, Suite 126
Gilbert, AZ 85233

DISTRICT: 4

STAFF CONTACT: Anita McNamara, AICP, Senior Planner

PUBLIC COMMENT TO DATE: As of February 14, 2022, no comments have been received.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 7-0** (Commissioners Membrila and Tronsdal were absent)

HEARING ADMINISTRATOR RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS): The subject property is located outside the Maeveen Behan Conservation Lands System Multiple Use Management Areas.

TD/AM/ds
Attachments



PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P22CU00016

Page 1 of 2

FOR DECEMBER 20, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director
Public Works-Development Services-Department-Planning Division

Chris Poirier for

DATE: February 14, 2023

ADVERTISED ITEM FOR PUBLIC HEARING

CONDITIONAL USE PERMIT

P22CU00016 TK FAMILY LLC – N. TANQUE VERDE VILLAGE PLACE

TK Family LLC, represented by Pinnacle Consulting, Inc., request a **Type III Conditional Use Permit for a communication tower**, in accordance with Section 18.07.030H of the Pima County Zoning Code on property identified as a portion of parcel 205-37-5710 in the RVC (Rural Village Center) zone. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 8-0** (Commissioners Membrilla and Tronsdal were absent). The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 4)

Summary of the Planning and Zoning Commission Hearing (January 11, 2023)

The Planning & Zoning Commission hearing on this case took place on January 11, 2023. At same, the Commission heard staff's and the applicant's presentation as to the particular details of the request. In discussing the matter, the Commission inquired as to whether staff believed that the County's formal public notice on this case was sufficient. Staff replied in the affirmative, in that the most directly affected private residences were duly noticed, and that the homeowners association of their entire subdivision had also received proper notice. This being the case, staff had nonetheless received no public comment to date.

No (0) members of the public appeared at the P&Z hearing to speak on the matter.

After closing the public hearing, the Commission voted 8-0 (motion by Maese, seconded by Becker, Membrilla and Tronsdal being absent) to recommend **APPROVAL** of this CUP request to the Board of Supervisors, said recommendation being in recognition of the twenty-one (21) criteria as outlined by the Federal Telecommunications Act and as addressed in the Hearing Administrator's separate memorandum of January 26, 2023, and recommending approval to the Board as per the following standard and special conditions as promulgated by the Hearing Administrator:

Standard Requirements per the Pima County Zoning Code:

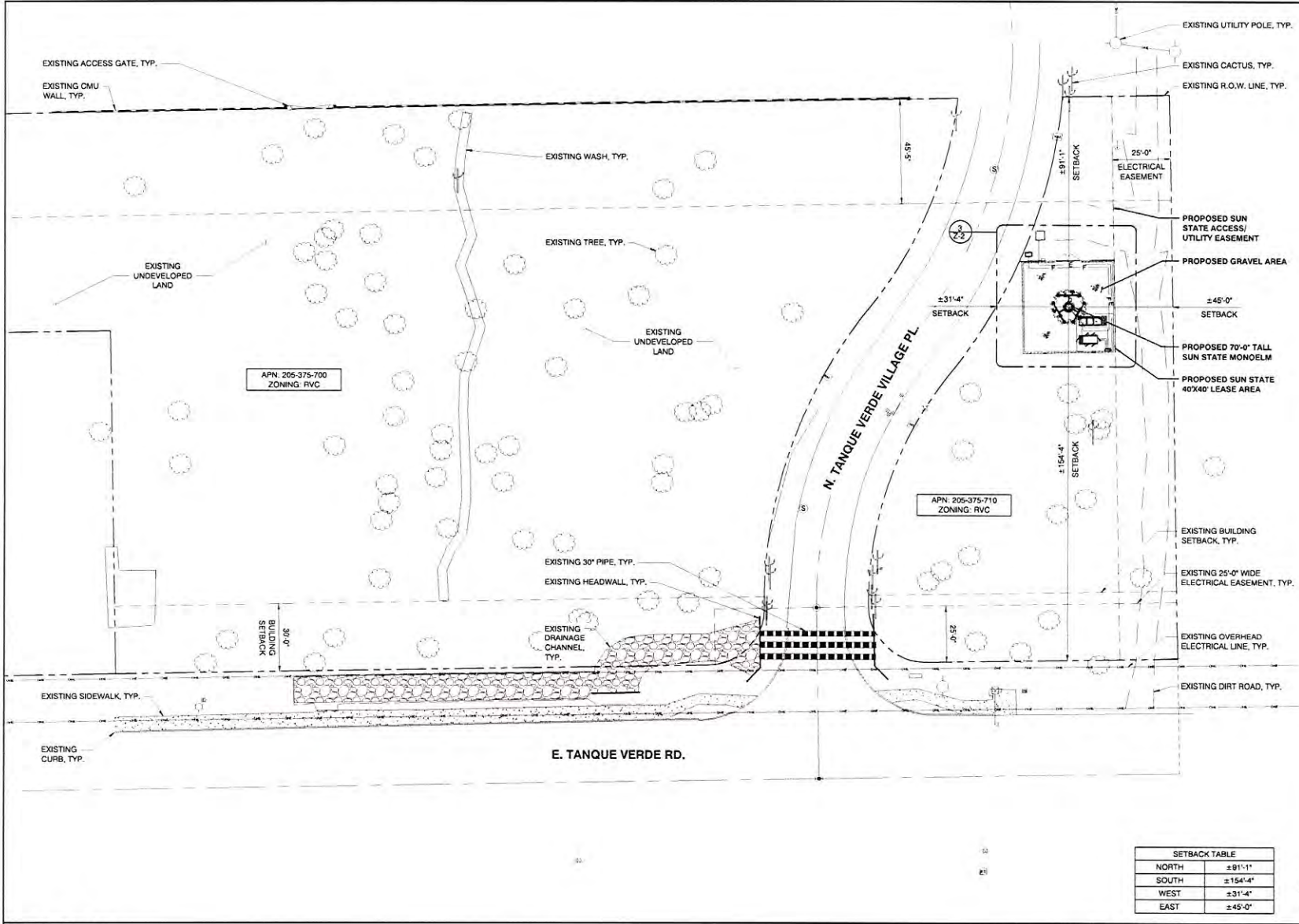
1. Adherence to all requirements of Section 18.07.030H (General Regulations and Exceptions) of the Pima County Zoning Code.

Recommended Special Conditions:

1. The new top height of the tower structure shall not be more than the requested seventy (70').
2. The new tower structure and antennae arrays shall be camouflaged as a faux elm tree. The "branches" and "foliage" of the faux elm can extend above the seventy-foot (70') height.
3. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted set of construction drawings.
4. The exterior wall of the on-the-ground equipment area shall be a minimum of eight feet (8') tall and be constructed of masonry. It shall be painted to conform with nearby residential walls to the best extent possible.

TD/AM/ds
Attachments

C: Graham Chapman, Pinnacle Consulting, Applicant
Tom Drzazgowski, Chief Zoning Inspector



PREPARED FOR

SUN STATE TOWERS
 1426 NORTH MARVIN STREET #101
 GILBERT, AZ 85233
 PHONE: 480-854-8585 - FAX: 480-854-9850

CARRIER

 126 W. GEMINI DR. TEMPE, AZ 85283
 PHONE: 480-777-4362
 FAX: 480-777-4361

ARE CONSULTING FIRM & SITE ACQUISITION

PINNACLE CONSULTING FIRM
 Site Acquisition | Engineering | Construction
 1426 NORTH MARVIN STREET # 101
 GILBERT, AZ 85233

PROJECT NO: AZ02-135 BARNYARD
 DRAWN BY: CS
 CHECKED BY: XT

REV	DATE	DESCRIPTION	BY
A	08/26/22	90% REVIEW	CS

FINAL FOR ZONING ONLY

AZ02-135 BARNYARD / TUC REBECCA
 2410 N. TANQUE VERDE VILLAGE PL.
 TUCSON, AZ 85748
 PIMA COUNTY

SHEET TITLE
SITE PLAN

SHEET NUMBER
Z-1

SETBACK TABLE	
NORTH	±9'-1"
SOUTH	±154'-4"
WEST	±31'-4"
EAST	±45'-0"

24'X30' SCALE: 1" = 20'
 11'X17' SCALE: 1" = 40'

SITE PLAN



1

**PIMA COUNTY DEVELOPMENT SERVICES REPORT TO THE
PIMA COUNTY PLANNING & ZONING COMMISSION**

CASE: P22CU00016
TK FAMILY, LLC – N. TANQUE VERDE VILLAGE PLACE

OWNERSHIP: TK Family, LLC
8400 E. Cresthill Drive
Tucson, AZ 85750-2411

APPLICANT: Graham Chapman
Pinnacle Consulting
1426 N. Marvin Street– Suite 101
Gilbert, AZ 85233

On Behalf of:

The Above Property Owner (TK Family, LLC), Sunstate Towers, and Verizon Wireless

LOCATION: The proposed communications tower is located on Tanque Verde Village Place, approximately 200' north of E. Tanque Verde Road and approximately 750' east of the latter's intersection with N. Tanque Verde Loop Road. The site is across the street from Emily Gray Junior High Scholl and just south of the Tanque Verde Village residential subdivision. The Tanque Verde Road corridor in this area is mixed-use in nature, with commercial (a restaurant, convenience store and retail), non-residential (Emily Gray JHS and the Jehovah's Witnesses' Sabino Canyon Congregation church), major utilities (a TEP/Unisource Energy sub-station compound), and both subdivided & unsubdivided residential. The proposed tower would be located on Block "B" of the Tanque Verde Village subdivision plat, a parcel that is approximately ½ acre in size.

REQUEST: This is a Type III Conditional Use Permit request for a new seventy foot (70') tall **monopole communications tower** and attendant on-the-ground equipment area. The tower would be constructed by Sunstate Towers and provide co-location capability for up to two (2) future wireless providers in addition to the Verizon Wireless antennae array being initially constructed atop the structure. This tower is needed because the existing Verizon tower serving the area, which is located within the aforementioned TEP/Unisource Energy compound, is being decommissioned and would create a significant gap in coverage if not replaced. The applicant proposes to camouflage the tower as a faux elm tree. Given the height of the tower, the Hearing Administrator finds this form of camouflage acceptable and in keeping with applicable "stealth" requirements for the Tanque Verde Road designated scenic route. The attendant ground equipment will be housed within a secure compound, surrounded by an eight-foot (8') tall masonry wall that will be painted to be aesthetically conform with nearby residential walls.

PETITIONER'S STATEMENT REGARDING THE USE PROPOSED

"Proposing the construction/operation of a stealth elm-tree wireless communication tower within CMU block wall enclosure"

PETITIONER’S STATEMENT REGARDING COMPATIBILITY

“The proposed use will provide Verizon coverage and coverage from future carriers that co-locate to neighboring homes and business, and will be concealed to limit its visibility.”

The petitioner has provided a submittal package that includes propagation plots, a photo simulation of the new tower, a short narrative, and a set of construction drawings.

HEARING ADMINISTRATOR’S CONSIDERATIONS

This request proposes a new seventy foot (70’) tall communications tower and walled on-the-ground equipment structure. The proposed tower site would be located within a mixed-use area, along Tanque Verde Road, that features established commercial, residential and non-residential uses. The tower is needed to replace an existing nearby Verizon tower that is being decommissioned.

The tower will provide co-location for up to two (2) additional wireless carriers beyond the initial antennae array for Verizon Wireless sited at the top of the structure. The applicant proposes to camouflage the tower as a faux elm tree. Given the height of the tower under consideration, the Hearing Administrator finds this form of camouflage acceptable. Whether a faux pine, elm or eucalyptus, all would agree that they do not truly replicate their natural counterparts, but they do represent a good-faith effort to mitigate the tower’s aesthetic impacts and to honor the stealth-design requirements that attend designated scenic routes such as Tanque Verde Road. The attendant ground equipment will be housed within a secure compound surrounded by an eight-foot (8’) tall masonry wall that will be painted similar to nearby walls.

Public Input Considerations

This tower proposal is sited near an established residential subdivision. In reviewing all tower applications, staff attempts to balance the federal mandate to address gaps in coverage, while also giving reasonable consideration to surrounding property owners.

It should be noted that, due to respective timing of this written report and the County’s statutory public notice procedures, no public comment has been received by staff at the time of this writing. Any comment subsequently received will be included in the Planning & Zoning Commission’s packet on this item. It is unclear from the applicant’s submitted materials as to whether they have conducted any public outreach in the form of an independent mailing or a formal neighborhood meeting. With this in mind, the Planning & Zoning Commission can seek testimony on this point from the applicant at its public hearing, and give due consideration to any public testimony that is brought forth.

Wireless Service Coverage and “Gap” Considerations

The Federal Telecommunications Act of 1996 encourages all new wireless installations that introduce or enhance reliable wireless coverage in those areas where a “gap” in coverage or service-quality presently exists. The applicant’s submitted materials include several signal-propagation plots to address this issue.

As explained above, this particular tower is necessary because the existing Verizon Wireless tower serving the area is being decommissioned. That tower is located within the TEP/Unisource Energy compound on nearby N. Rebecca Lane. No explanation has been provided for why the new tower cannot be located within that same compound, although past cases have informed us that TEP/Unisource is becoming less and less inclined toward such shared usage arrangements due to security concerns.

The coverage plots submitted by the applicant illustrate coverage in three categories: On-street, In-vehicle, and In-building. The existing coverage plot indicates that the entire area presently enjoys In-building coverage from the current Verizon tower at the TEP compound. Once this tower is removed, the plots indicate that the entire area essentially drops to On-street coverage only. With the placement of the new proposed tower, the area returns to In-building service. These plots demonstrate that an effective “gap” in coverage would be created once the current Verizon tower is decommissioned, and that this gap is effectively avoided by the new/proposed structure.

Comprehensive Plan Considerations

The Comprehensive Plan designates the subject property as *Neighborhood Activity Center (NAC)*, the purpose of which is to, “designate lower-intensity mixed use areas designed to provide goods or services within or near residential neighborhoods for day-to-day and weekly living needs”. Several other communications towers have been previously approved in *NAC* district.

The Hearing Administrator finds the proposed use to not be in conflict with the stated goals of the Comprehensive Plan, nor with its *NAC* designation. The Tanque Verde corridor in this area is already a very eclectic mix of residential, non-residential, and commercial uses. While some nearby residential property owners may find a new tower undesirable, it clearly does not constitute a serious departure from the established mixed-use character of the area.

Zoning and Land Use Considerations

The subject parcel is zoned RVC (Rural Village Center), as are the properties to the west and east. To the north and south the zoning is CR-1. Past towers have been located in the RVC zone, as well as in CR-1.

Hearing Administrator’s 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.**

See Comprehensive Plan Considerations heading above. The Hearing Administrator finds the proposed use to not be in conflict with the stated goals of the Comprehensive Plan, nor with its *NAC* designation.

- 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 new 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 site has direct access to N. Tanque Verde Village Place, which is a paved street that connects directly to E. Tanque Verde Road, that latter of which is a designated major street and scenic route on the Pima County Major Streets & Routes Plan (MSRP). Access needs for wireless facilities are 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 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 Hearing Administrator finds that 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 enforced at the time of permitting.

HEARING ADMINISTRATOR'S RECOMMENDATION

After considering all of the above, after having visited the site, and after reviewing all of the applicant's submitted materials, the Hearing Administrator finds that the proposed seventy foot (70') tall communications tower, with attendant on-the-ground equipment compound, is needed in this area to avoid the creation of a gap in coverage. Given the scenic-route designation of Tanque Verde Road, the need to provide camouflage is warranted to address applicable stealth-design requirements.

No public comment has been received by staff at the time of this writing. It is unclear from the applicant's submitted materials as to whether they have conducted any public outreach in the form of an independent mailing or a formal neighborhood meeting. With this in mind, the Planning & Zoning Commission can seek clarification on this point from the applicant at its public hearing, and give due consideration to any public testimony that is brought forth.

With all of the above in mind, the Hearing Administrator recommends that the Commission recommend **APPROVAL** of this Type III conditional use permit to the Board of Supervisors, subject to the following Standard and Special Conditions:

Standard Requirements per the Pima County Zoning Code

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new top height of the monopole/antennae structure shall not be more than the requested seventy feet (70').
2. The new tower structure and antennae arrays shall be camouflaged as a faux elm tree. The "branches" and "foliage" of the faux elm can extend above the seventy-foot (70') height.

3. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted set of construction drawings.
4. The exterior wall of the on-the-ground equipment area shall be a minimum of eight feet (8') tall and be constructed of masonry. It shall be painted to conform with nearby residential walls to the best extent possible.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Comprehensive Plan Regional Environmental Policies — Conservation Lands System

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

- Important Riparian Areas — 95% undisturbed natural open space
- Biological Core Management Areas — 80% undisturbed natural open space
- Special Species Management Areas — 80% undisturbed natural open space
- Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The subject property and surrounding area is located **OUTSIDE OF** the Maeveen Marie Behan Conservation Lands System (MMB-CLS).

Biological Impacts Report

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires the applicant's notice to the US Fish and Wildlife Service (USFWS) staff regarding the pending matter, and staff commentary on biological resources and development impacts of the subject site and proposal.

Staff Commentary on Biological Impacts

This particular proposed tower would be located on a portion of the subject property that has already been disturbed and cleared by past activity and which otherwise contains unremarkable desert scrub vegetation. It is staff's conclusion that approval of this request will have no significant impact on existing biological resources on the site nor be in conflict with any Pima Prosper's adopted environmental policies.

Facts Confirmed by the Pima County Geographic Information System (GIS)

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

Cactus Ferruginous Pygmy Owl. This site is not located within the previously designated USFW critical habitat for this species. The site and the entire surrounding region are located within Priority Conservation Area (PCA) No. 1 for this species and lies within Survey Zone 2.

Western Burrowing Owl. The subject property is not within the Priority Conservation Area (PCA) for this species.

Pima Pineapple Cactus. The subject property is not located within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is located within an area that is outside of the known range for the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

RECOMMENDATIONS BY THE DEPT. OF TRANSPORTATION AND THE REGIONAL FLOOD CONTROL DISTRICT

The Department of Transportation (DOT) and the Regional Flood Control District (RFCD) will review this application separately as a matter of course during the site development permitting process.

attachments

cc: Carla Blackwell, Director, Development Services
Dan Ice, Chief Building Official
Chris Poirier, Planning Official
Tom Drzazgowski, Chief Zoning Inspector
TK Family, LLC, Property Owner
Graham Chapman, Applicant
On Behalf of: Sunstate Towers & Verizon Wireless



**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

MEMORANDUM

TO: Members of the Pima County Planning & Zoning Commission

FROM: Jim Portner, Pima County Hearing Administrator

SUBJECT: **P22CU00016 – TK Family, LLC – N. Tanque Verde Village Place; Type III Conditional Use Permit Request for a Seventy Foot (70’) Tall Communications Tower**

DATE: January 6, 2023

This memorandum is intended to assist the members of the Planning & Zoning Commission in its evaluation of the above-referenced Type III request for a new communications tower. Per the Federal Telecommunications Act of 1996, twenty-one (21) criteria were established which can be considered by the local zoning authority in its decision to approve or deny such requests.



These twenty-one criteria are listed below (in *italics*), with a brief commentary on each for the Commission’s consideration:

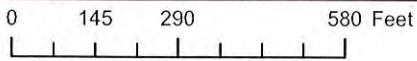
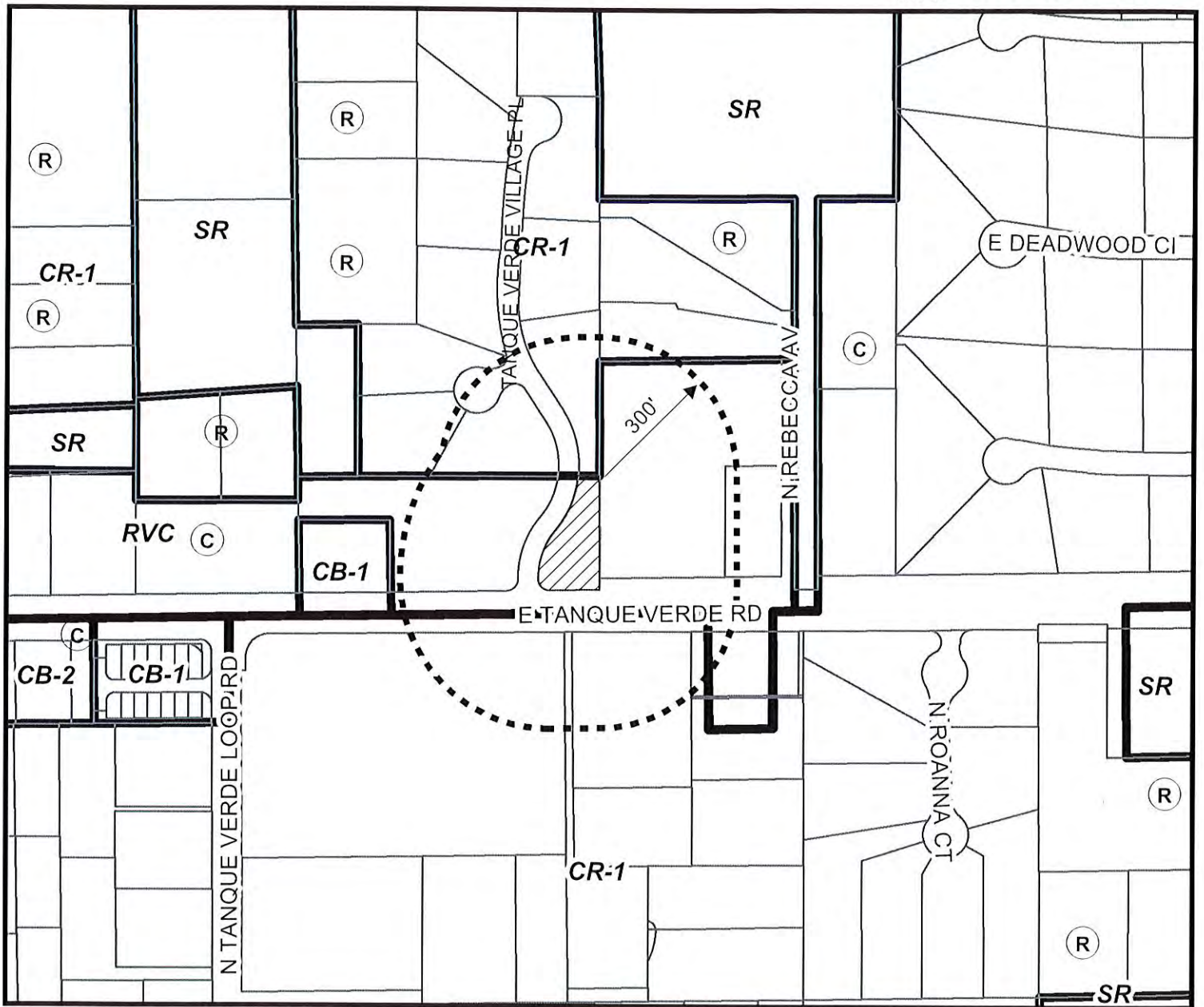
1. *Amount of compliance with permit requirements.* A Type III CUP is required because this is a request for a new, free-standing communications tower that exceeds fifty feet (50’).
2. *Staff approval or disapproval.* Not applicable; the Type III CUP process calls for a recommendation by the Hearing Administrator to the P&Z, then a recommendation by the P&Z to the Board of Supervisors, and then a final decision of approval or denial by the Board. The Hearing Administrator’s recommendation has been provided via a separate staff report memorandum to the Planning & Zoning Commission.
3. *Zoning approval or disapproval.* Not applicable; same comment as Item 2 above. This site is zoned RVC (Rural Village Center), with adjacent CR-1 (residential) to the north.

4. *Other towers in the same zoning classification.* Prior towers have been approved in the RVC zoning district, as well as in CR-1.
5. *Other towers in other zoning classifications.* Pima County has previously approved towers in the SH, GR-1, RH, SR, CR-1, and CR-4 residential zones, in the SP (Specific Plan) and RVC (Rural Village Center) zones, in the CB-1 and CB-2 business zones, and in the CPI industrial zone.
6. *Amount of neighborhood opposition and whether it is substantial and supported by factual evidence.* Staff has received no letters, emails, etc. of opposition as of the writing of this memorandum.
7. *Type of neighborhood opposition.* None to date. See Item #6 above.
8. *Nature of neighborhood opposition, whether aesthetic, etc.* Not applicable; see Item #6 above.
9. *Amount, type, and nature of evidence offered by wireless provider.* Contained within application packet; additional information may be sought by the Commission at hearing.
10. *Expert testimony.* None to date.
11. *Height of tower.* The height of the proposed monopole tower is seventy feet (70') to the highest point of the metal structure.
12. *Color of tower.* The applicant proposes to camouflage the tower as a faux elm tree.
13. *Possibilities of camouflage.* See Item No. 12 above. The Hearing Administrator finds the applicant's proposed camouflage to be an acceptable, good-faith effort at mitigating aesthetic impacts and honoring the stealth-design requirements of E. Tanque Verde Road.
14. *Service coverage issues; such as whether a gap would be created that would impede emergency service.* This tower is needed to replace an existing nearby tower that currently provides coverage to the area, but which is being decommissioned. The proposed tower simply fills the gap in coverage that would result if the existing tower was decommissioned and not replaced.
15. *Alternative sites explored.* The applicant's narrative indicates that they evaluated other sites and existing verticality in the area, but that each was either too distant from the service area to cover it, or the height of verticality was insufficient for proper coverage.
16. *Possibilities for co-location on an existing tower.* See Item 15 above. The applicant's narrative indicates that they evaluated existing verticality in the area, but that each prospect was either too distant from the service area to cover it, or its height was insufficient for proper coverage.

17. *Possibilities for more, shorter towers.* The applicant's narrative did not speak to this specific topic.
18. *Provision for tower removal.* The applicant's narrative did not speak to this topic.
19. *Possibilities for this tower serving as a co-location site for other providers.* The proposed tower is structurally designed to accommodate co-location for two (2) additional wireless carriers beyond the initial antennae array for Verizon Wireless.
20. *Time taken to make the decision (by the local zoning authority).* This item is before the Commission for the first time at its January 11, 2023 public hearing. Federal law encourages a timely response by the local zoning authority. It is recommended that the Commission vote on their formal recommendation to the Board of Supervisors at its January 11, 2023 meeting.
21. *Government contracts with the wireless provider.* The applicant's narrative did not speak to this topic.

Case #: P22CU00016
 Case Name: TK FAMILY LLC - N. TANQUE VERDE VILLAGE PLACE
 Tax Code(s): 205-37-5710

 Subject Property
 300' Notification Area



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

Notes: **CONDITIONAL USE PERMIT - TYPE III**



Map Scale: 1:4,000

Map Date: 12/14/2022 - ds



November 29, 2022

TK Family LLC
8400 E Cresthill Dr
Tucson, AZ 85750

Re: P22ZE000144 – WITTHOFT – N. TANQUE VERDE VILLAGE

Your modification of setback requirements (MSR) application to **reduce the required side yard setback from 50 feet to 23 feet for a proposed communication tower** on property located at 2410 N Tanque Verde Village Pl in the RVC (Rural Village Center) zone as shown on the attached site plan is **APPROVED**. Upon review of your application, it has been determined that the standards prescribed in Section 18.07.070D of the Pima County Zoning Code can be met.

You have **nine (9) months** from the above date to apply for a building permit (if you have not done so already) under the modified setback requirements. If no building permit is applied for within nine months, the approval of the modification of setback requirements will expire, and a new application must be submitted.

If you have any questions about the modification of setback requirements, please contact Matt Bacal at Matthew.Bacal@pima.gov or 520.724.9596.

Respectfully,

Matt Bacal

Matt Bacal
Planner

via email: Jeff@witthoft.net, graham.chapman@pinnacleco.net



201 N. Stone Avenue, Tucson, AZ 85701
(520) 724-9000
www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

Project ID *(case no., APN no., address, or other identifying info):*

AZ02-135 Barnyard / TUC Rebecca

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections)
 - Important Riparian Area
 - Biological Core
 - Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area?
3. Is the project in the vicinity of any of the six Critical Landscape Linkages?
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property?
5. Is the project located within a Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl:
 - b. Western burrowing owl:
 - c. Pima pineapple cactus:
 - d. Needle-spined pineapple cactus:

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.



Conditional Use Permit Application

Property Owner: Jeff Witthoft / Title Security Agency of AZ Phone: +1 (520) 349-9119
Owner's Mailing Address, City, State & Zip: 6340 N Campbell Ave, STE 240, Tucson, AZ 85718
Applicant (if different from owner): Graham Chapman Phone: (480) 664-9588 ext. 255
Applicant's Mailing Address, City, State & Zip: 1426 N Marvin St, STE 101, Gilbert, AZ 85233
Applicant's or Owner's Email Address: graham.chapman@pinnacleco.net
Property Address or Tax Code: 2410 North Tanque Verde Village Place, Tucson, AZ 85749
Type of Use Proposed for the Property: Proposing the construction / operation of a stealth elm-tree wireless communication tower within CMU block wall enclosure.

Discuss the proposed use and it's compatibility with the surrounding area: The proposed use will provide Verizon coverage and coverage from future carriers that co-locate to neighboring homes and business, and will be concealed to limit its visibility.

The applicant agrees to contact the Regional Flood Control District to discuss the proposal prior to application submittal.

The applicant agrees to contact United States Fish and Wildlife Service at scott_richardson@fws.gov and provide a written notice that an application for a conditional use permit has been submitted a minimum of 15 days prior to the public hearing date.

This application is for a (Select one):

Type I Conditional Use Type II Conditional Use Type III Conditional Use

Terms and Conditions

I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)

Date: 09/29/2022



Narrative (Re: Project AZ02-135 Barnyard / TUC Rebecca)

To the Pima County Development Services Department,

This letter should serve as the narrative for our proposed project “AZ02-135 Barnyard/TUC Rebecca”. Verizon Wireless would like to increase cellular coverage near the Tanque Verde area of Pima County by adding equipment at a height of 66 feet, and it is Sun State Towers’ intention to build and own a 70-foot-tall mono-elm tower and have Verizon equipment installed and leased on the tower at 66 feet (one building permit for Sun State’s tower, one building permit for Verizon’s equipment on said tower).

We want to place the tower on parcel 205375710 owned by Jeff Witthoft of The Barnyard Craffhouse & Eatery (still listed in Pima’s Assessor pages under the ownership of TITLE SECURITY AGENCY OF AZ LLC TR 201413-T). The parcel is located at 2410 North Tanque Verde Village Place, Tucson, AZ 85749. The site is zoned as ‘RVC, Rural Village Center’ and has a parent parcel size of 0.54 acres.

This tower is a community necessity as the current location of the existing, active equipment at the electrical substation at 2530 North Rebecca Avenue is to be decommissioned by Verizon, which will reduce bandwidth and lower in-vehicle coverage in the Desert Willow Ranch community if not relocated to a nearby area.

We have considered all co-location opportunities in the area. However, the propagation maps and aerial photography on the following page will illustrate that these other existing sites will not be feasible for three main reasons: (1) the existing sites are too far physically from the area, (2) the existing sites lack the tower height required by Verizon, and (3) the combination of those two mean Verizon would not be able to provide the coverage and capacity in the area that will be lacking.

Many thanks,

Graham Chapman

Site Acquisition Specialist

1426 N Marvin St, Suite 101, Gilbert, AZ 85233

M: (650) 815-5267

O: (480) 664-9588 ext. 255

E: graham.chapman@pinnacleco.net

Site: AZ02-135 Barnyard / TUC Rebecca

Address: 2410 N. Tanque Verde Village Pl. ~ Tucson, AZ 85749

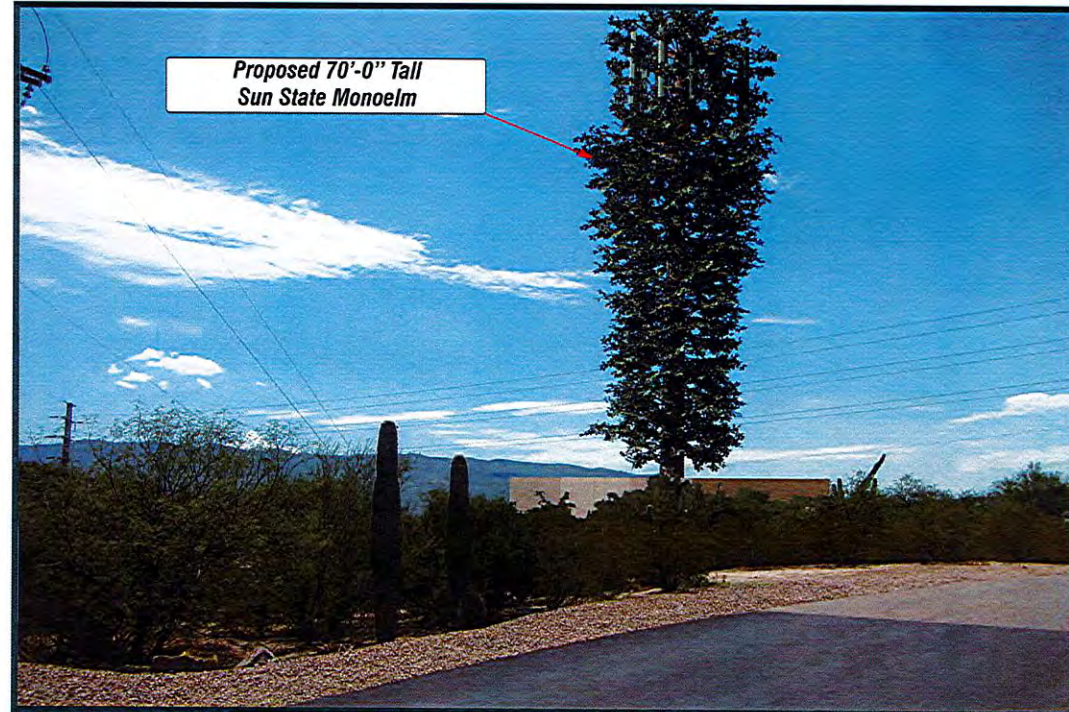


09/26/2022

View 1



Location Map



Proposed 70'-0" Tall Sun State Monoelm

Proposed

Notes: 125' from proposed site, looking South.

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site



Existing

Applicant

Verizon Wireless

126 W. Gemini Drive
Tempe, AZ 85283

Contact

PINNACLE
CONSULTING, INC
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

Site: AZ02-135 Barnyard / TUC Rebecca

Address: 2410 N. Tanque Verde Village Pl. ~ Tucson, AZ 85749



09/26/2022 **View 2**



Location Map



Proposed

Notes: 235' from proposed site, looking North.

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site



Existing

Applicant

Verizon Wireless

126 W. Gemini Drive
Tempe, AZ 85283

Contact

PINNACLE
CONSULTING, INC
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

Site: AZ02-135 Barnyard / TUC Rebecca

Address: 2410 N. Tanque Verde Village Pl. ~ Tucson, AZ 85749



09/26/2022

View 3



Location Map



Proposed 70'-0" Tall Sun State Monoelm

Proposed

Notes: 300' from proposed site, looking Northeast.

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site



Existing

Applicant

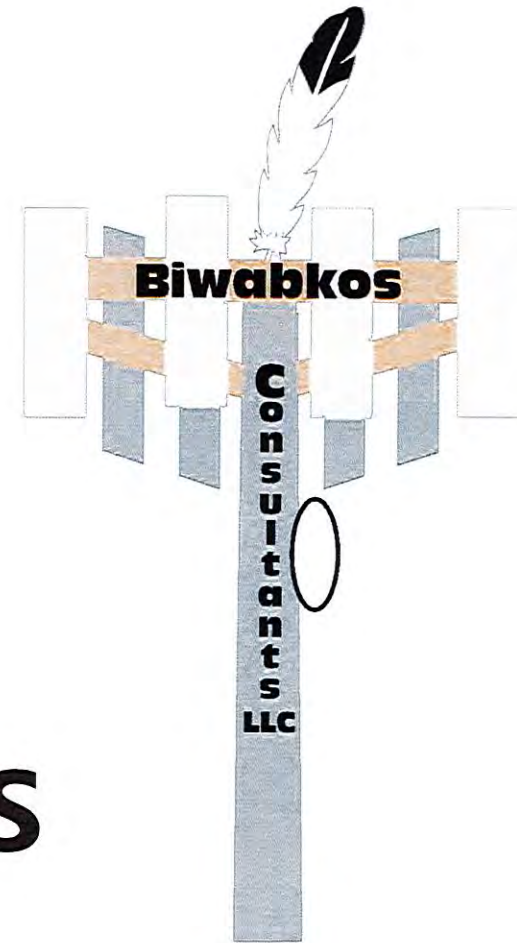
Verizon Wireless

126 W. Gemini Drive
Tempe, AZ 85283

Contact

PINNACLE
CONSULTING, INC
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

WIRELESS NETWORK CONSULTING



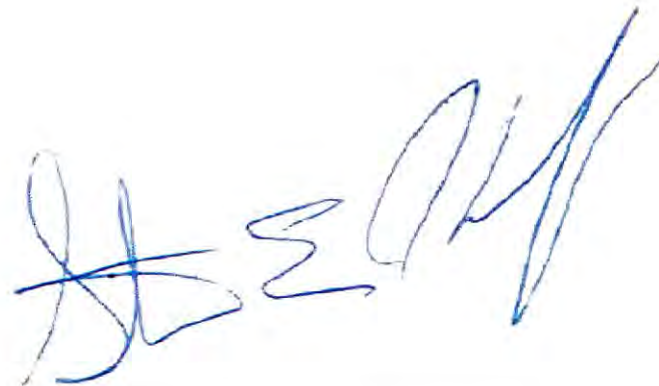
AZ02-135 Barnyard / TUC_REBECCA
Capacity and Indoor Coverage Cell Split

RF DESIGN ANALYSIS

Certification

This analysis and report was created by Steven Kennedy an RF Engineer with over 33 years of experience in Wireless Network Engineering.

I certify that the attached RF analysis and report is correct to the best of my knowledge, and all calculations, assumptions and conclusions are based on generally acceptable engineering practices:



Steven E Kennedy

10/06/2022

Relocation Site Objectives

† Ensuring:

- E Tanque Verde Road and Edison Acres, Outpost Estates, Forty Niners Country Club Estates and, Tanque Verde Village communities experiences no loss of wireless throughput and coverage.

† Replicating:

- The wireless throughput and coverage provided by the TUC_MALPOMENE site

† Providing:

- Continued in-building service to surrounding residential areas and business districts along E Tanque Verde Road

Coverage vs Capacity

- † **Capacity is providing bandwidth or processing capacity to service the customers in the area.**
 - Areas where large numbers of users are in a specific geographic areas
 - Areas where users are demanding higher data rates for services
 - Areas with a large amount of indoor users
- † **Coverage is Providing Service where service does not exist, calls drop, or “no service”.**
 - Areas where sites are farther apart
 - Areas where terrain or buildings block signals
 - Areas where indoor service is low or nonexistent

Objective of new site

† Capacity

- Continue to provide bandwidth for customers in the area surrounding the proposed site
- Continue to provide throughput for indoor users in the area
- Replace capacity provided by Decommissioning Verizon Site

† Coverage

- Continue to provide in-vehicle coverage along Desert Willow Ranch and E Fort Lowell Road
- Continue to provide indoor coverage in surrounding homes, businesses and, golf course

† Why is this site important?

- 96% of Americans own a Cellular Phone
- 57% of American Homes rely exclusively on cellular phones
- 84% or more of 9-1-1 emergency calls are made from wireless devices

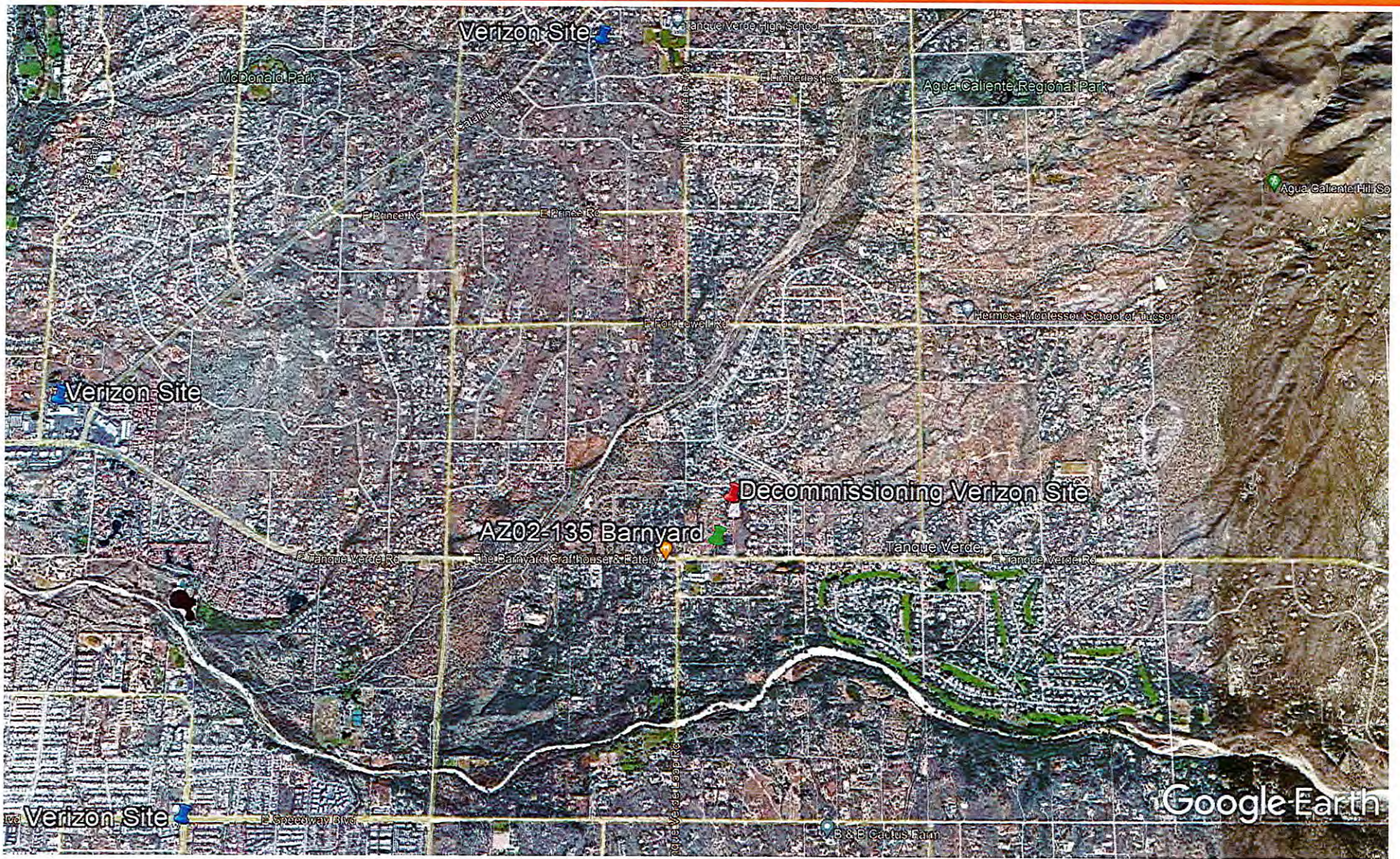
Proposed Site

- † 70' Mono-elm Tower
 - with 5' of appurtenances
 - 2410 North Tanque Verde Village Place
 - Tucson, AZ 85749
 - Latitude: 32.253545 N (NAD83)
 - Longitude: -110.751226 W (NAD83)
 - Ground Elevation: 2624' (NAVD88)
 - Anchor tenant is Verizon
 - Antenna Centerline at 66' AGL

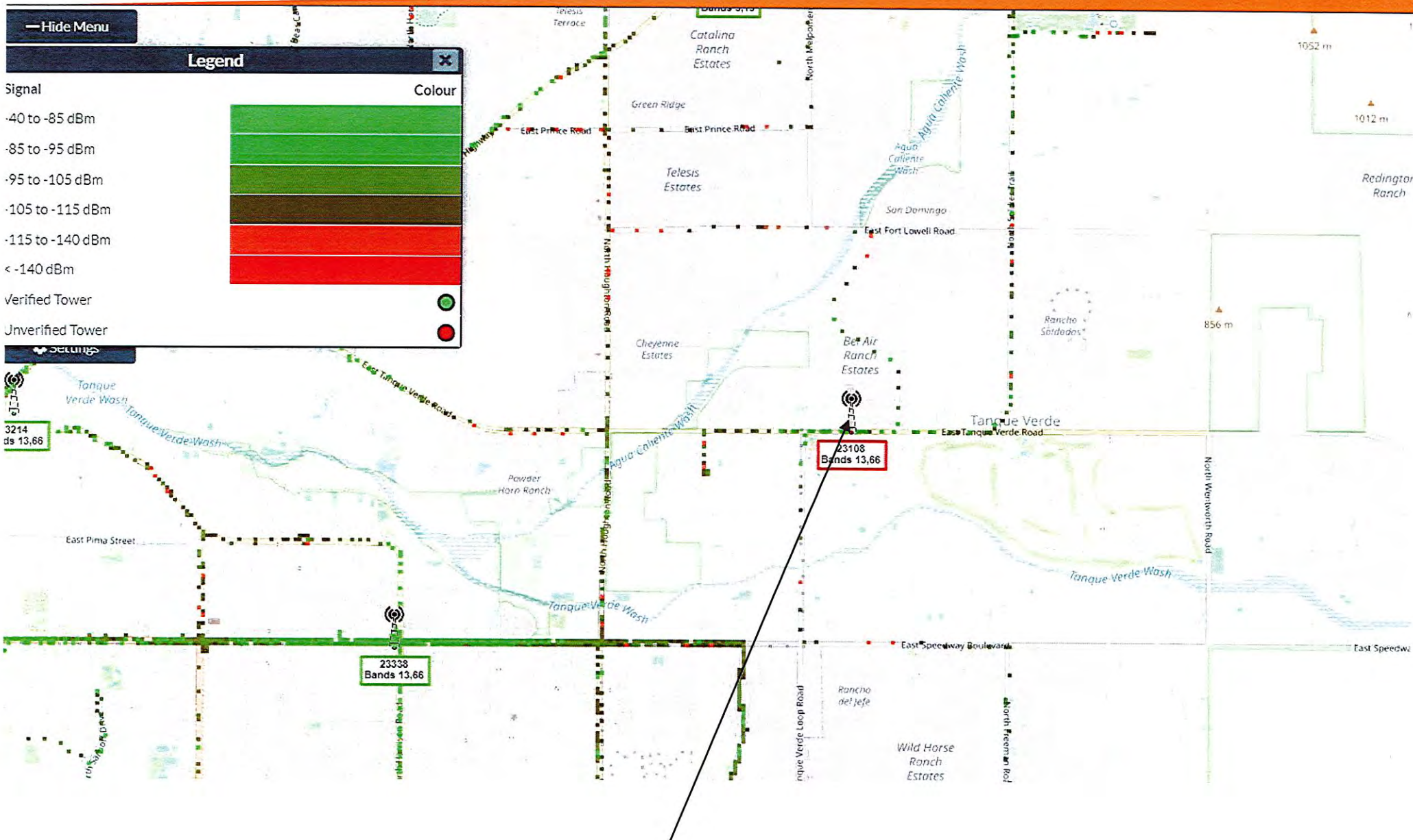
Why here?

- † Large amount of users utilize existing site that will be decommissioned or coverage and throughput will decrease for customers in the area
- † Proposed site in a location to duplicate existing service for customers
- † If the proposed is not approved coverage will decrease in the area

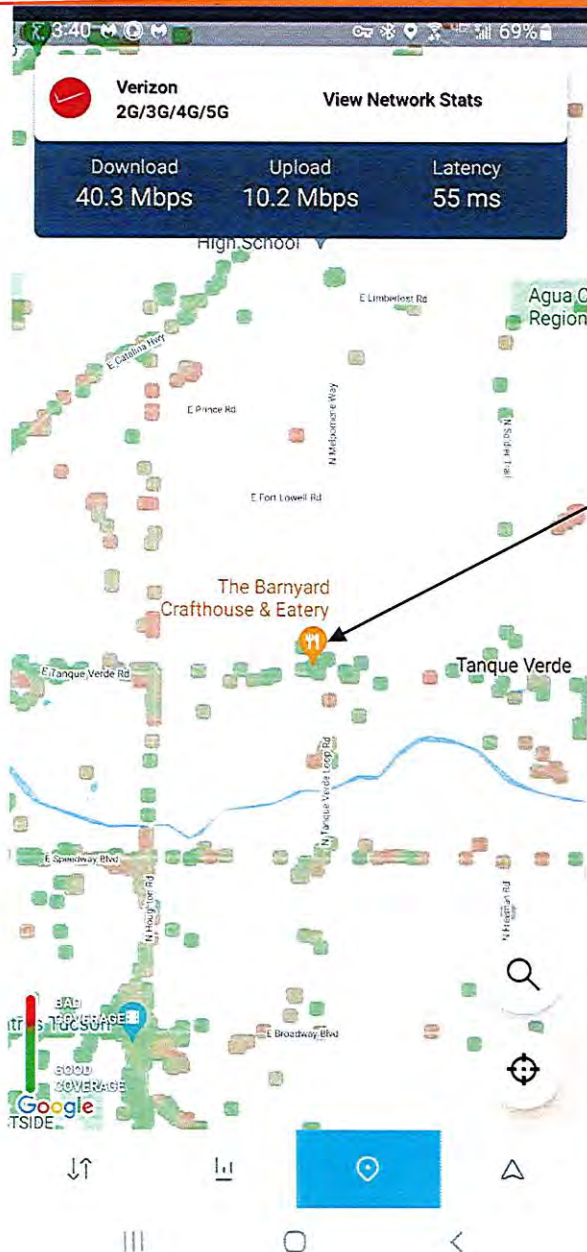
Sites



Verizon CellMapper



Open Signal Verizon Quality Map

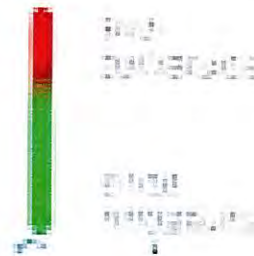


This map show mobiles reporting quality of their connections to the network. This is crowdsource data from Verizon users made available by the OpenSignal App:




<https://www.opensignal.com/apps#section-os-app>

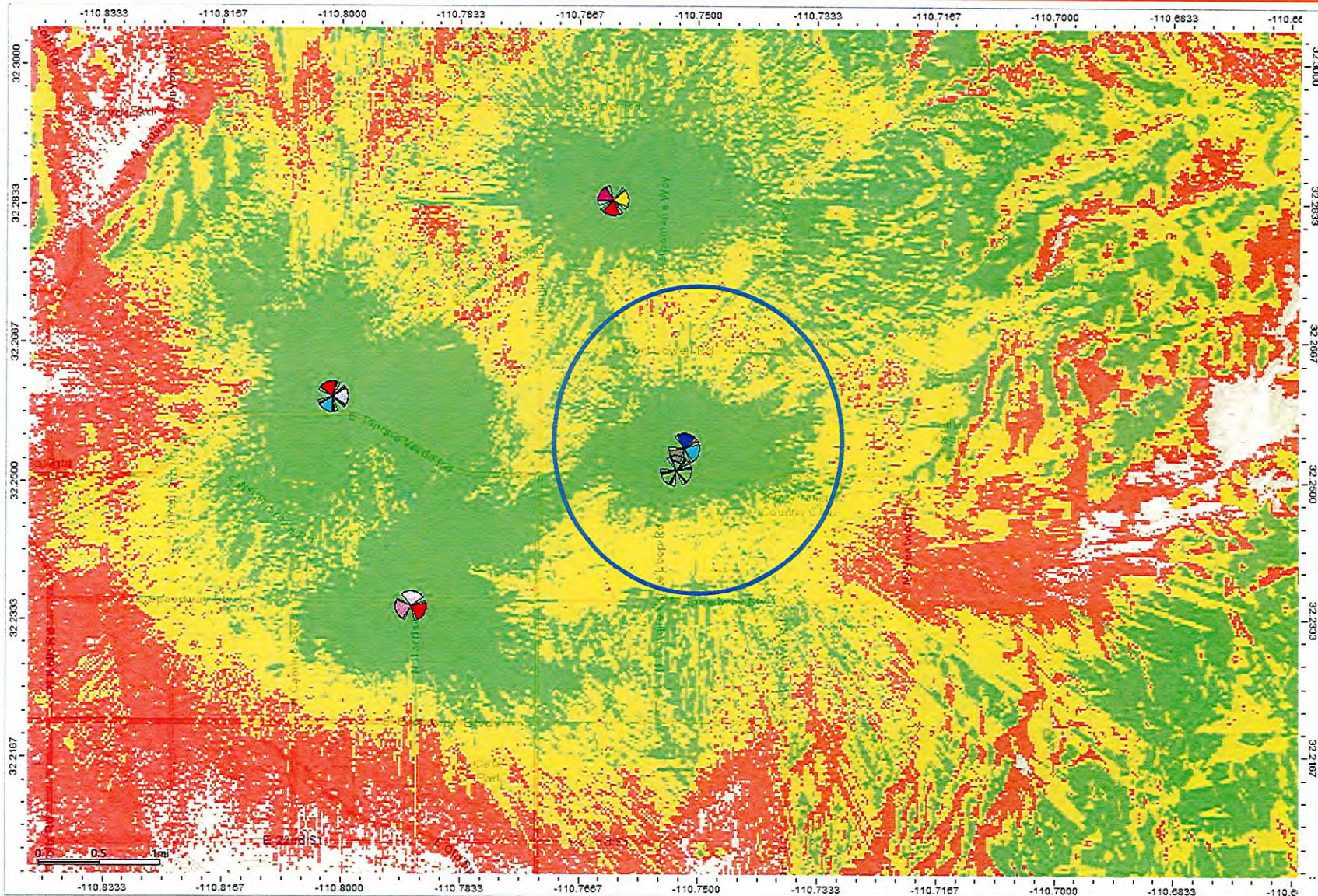
Green data points show good coverage and red data points show bad coverage and lack of data points show no coverage

Notice the amount of green points due to the existing site providing service which is the site that is being decommissioned






RSRP - Current Coverage

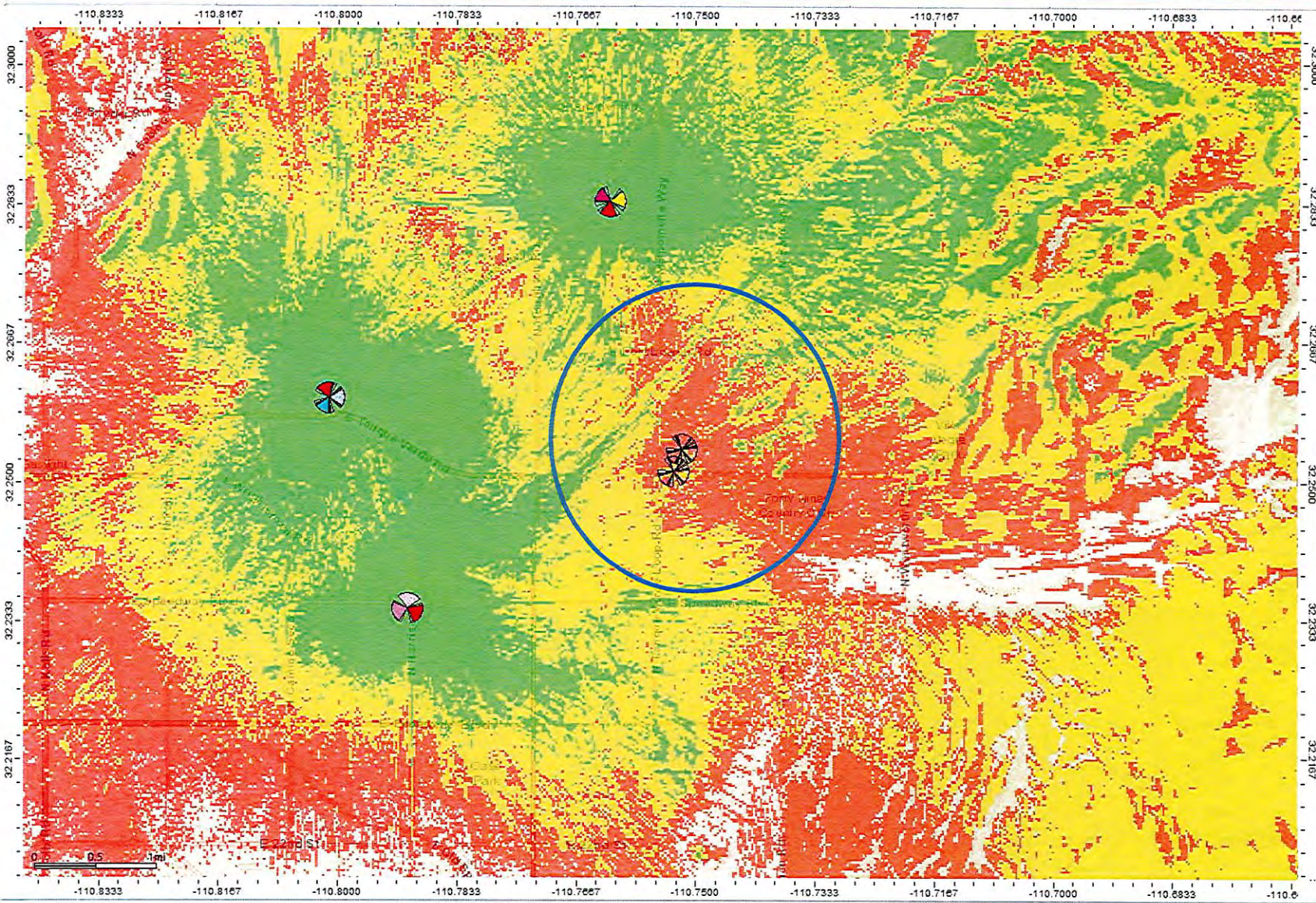
LEGEND	
	In-Building
	In-Vehicle
	On-Street






RSRP

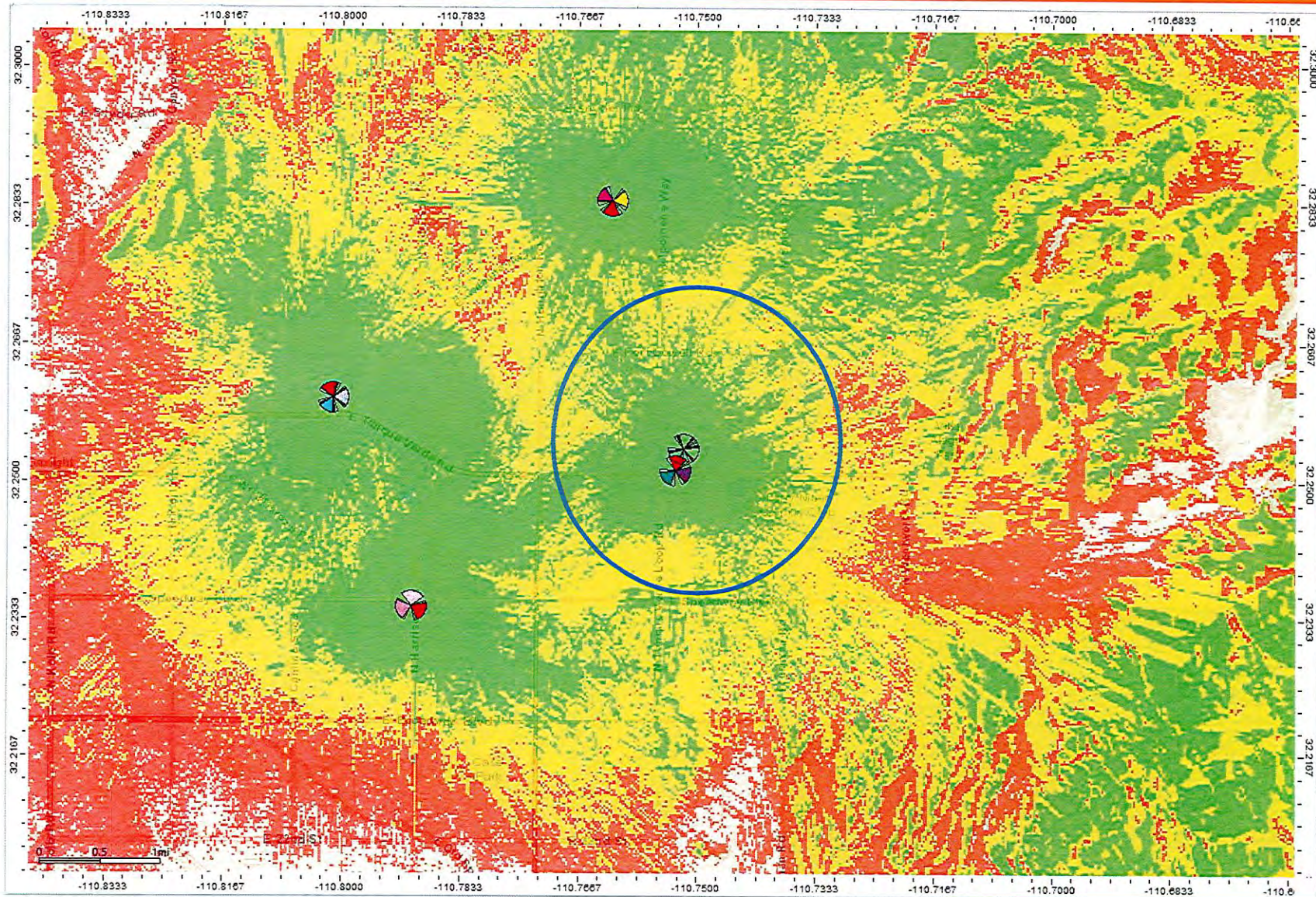
Neither Site On Air

LEGEND	
	In-Building
	In-Vehicle
	On-Street

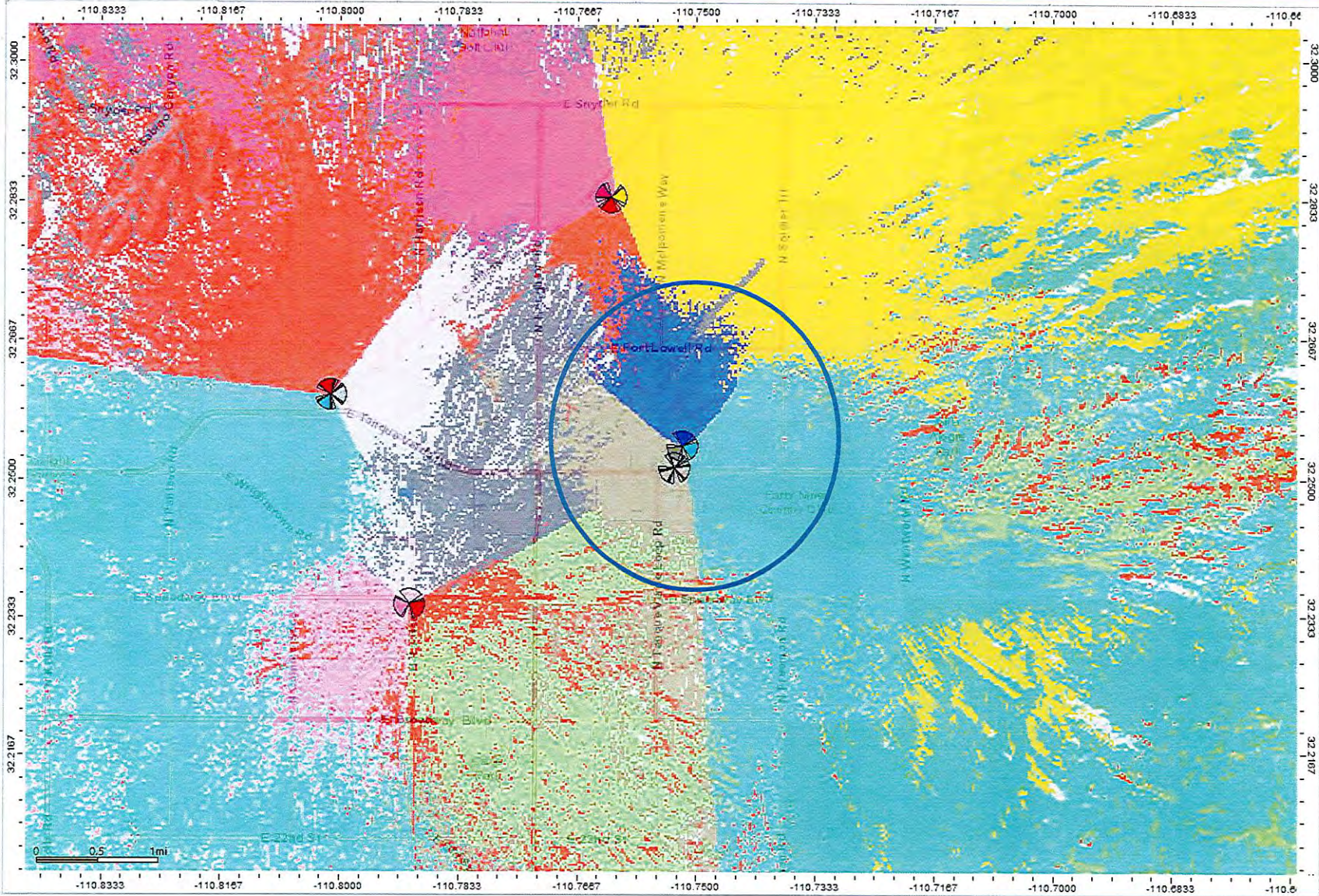


RSRP – Proposed Coverage

LEGEND	
	In-Building
	In-Vehicle
	On-Street

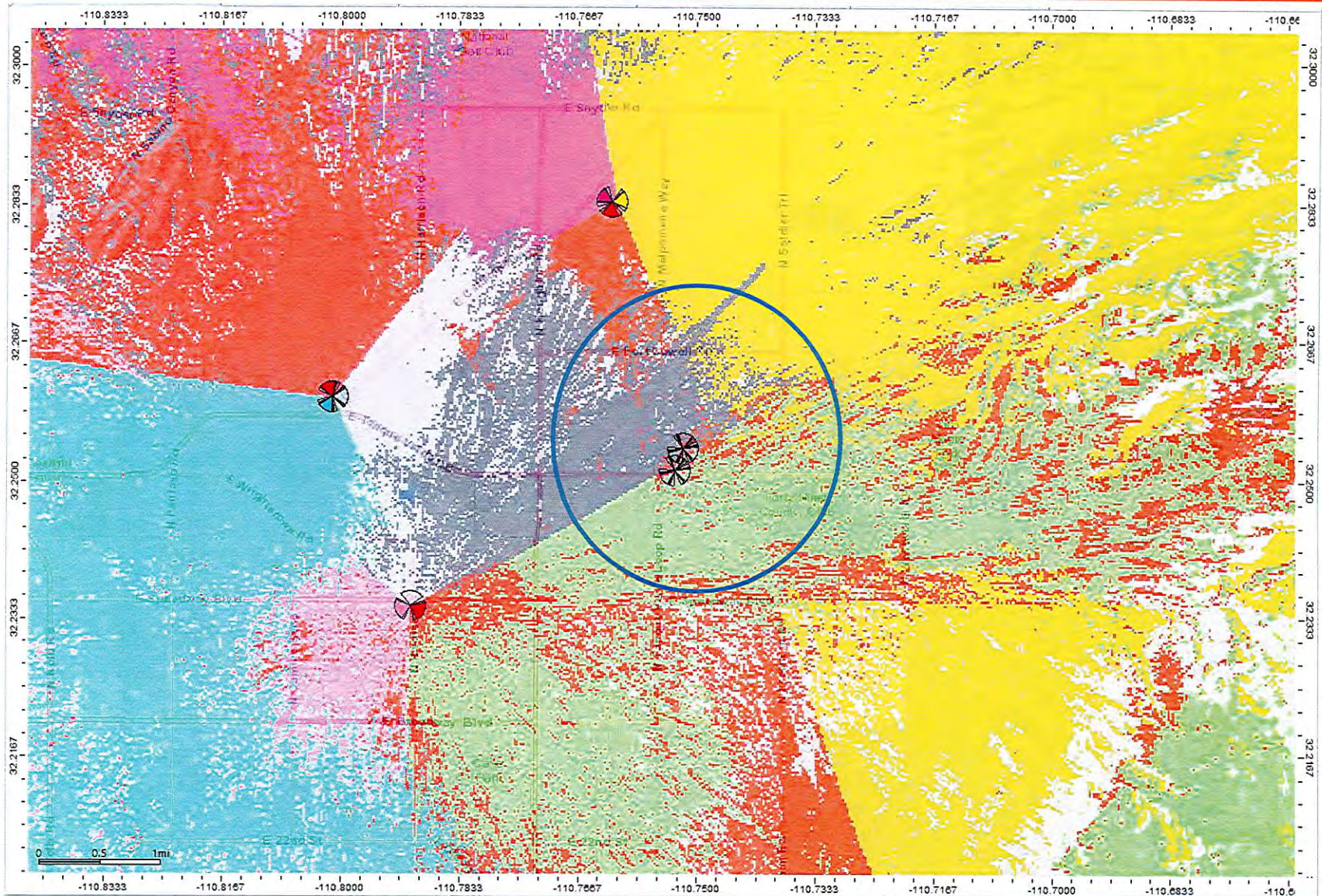


Best Server Current (-120dbm)

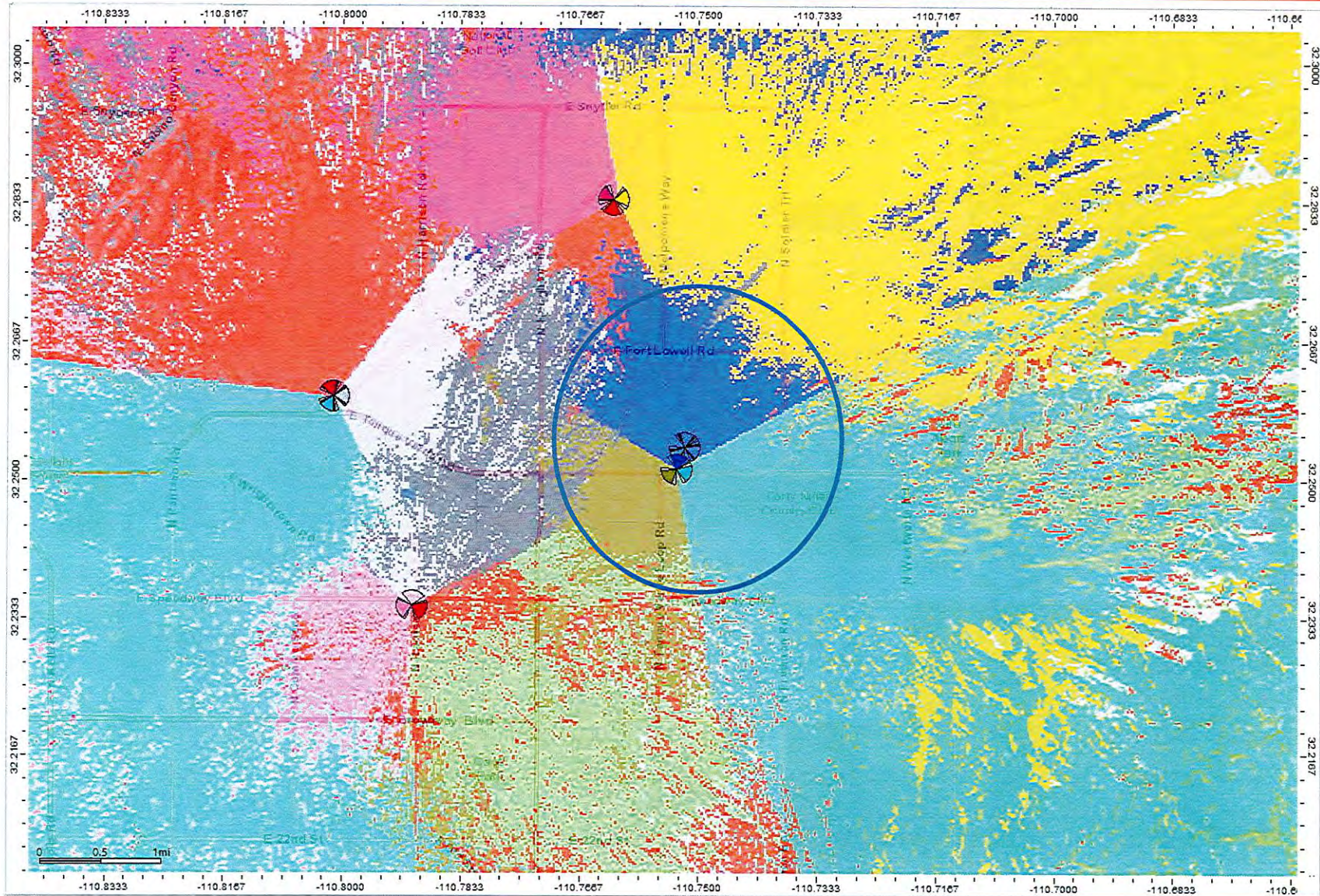


Best Server

Neither Site On Air(-120dbm)



Best Server Proposed(-120dbm)



Ionizing vs Non-Ionizing

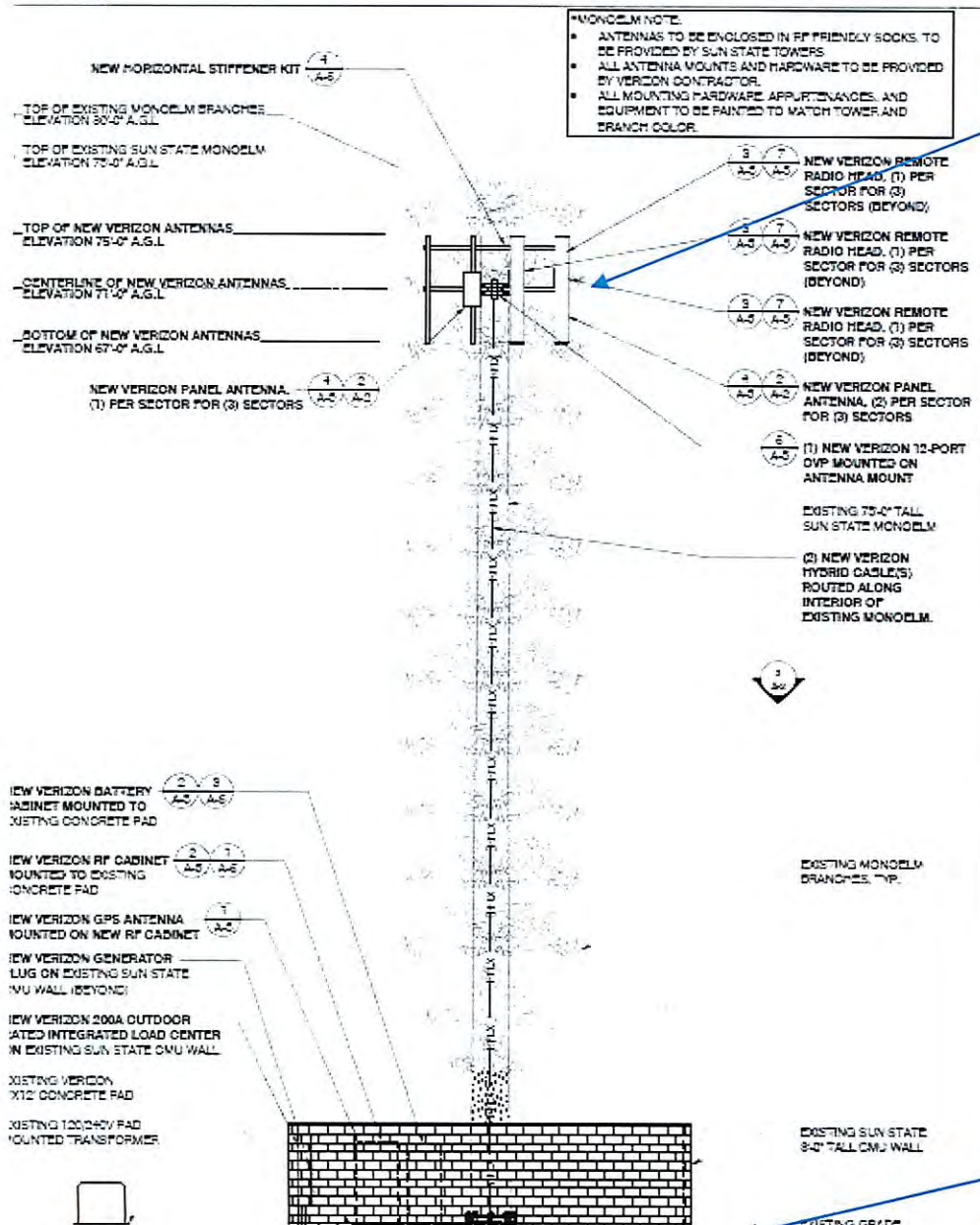
- † There are two (2) types of Energy/Radio Waves
 - **Ionizing**
 - These are waves that can effect human DNA
 - Examples are:
 - Gamma rays
 - X-Rays
 - This is one of the reasons the nurse steps out of the room and you wear a lead overcoat when you get X-Rays at the dentist.
 - **Non- Ionizing**
 - These are waves do not effect human DNA
 - Examples are:
 - Car Radios
 - Television
 - Wi-Fi Access points and routers
 - Bluetooth headsets
 - Cellphones and Smartphones
 - Lightbulbs
 - Wireless Baby Monitors
 - TV remotes
 - Absorption of waves is proximity based, the closer you are to the antenna the more non-ionizing energy is absorbed. You will absorb 50% of the FCC's General Public limit with your smartphone next to your ear versus less than 10% of the FCC's General Public limit from the antennas when you are standing 20' away from the proposed tower.
 - The further you walk away from the tower it decreases even more.

General Public & Occupational limits

- † The FCC isolated two (2) groups relative to access around wireless antennas
- † The first group is called Occupational
 - This refers to areas where workers would be allowed (general public cannot access) but the workers would not have knowledge about antennas (An example would be an Air Conditioner Repair Technician). Barriers or signage may be needed to alert the worker when close to the antennas.
 - Examples are:
 - Rooftop access behind a locked door
 - Compound access behind a locked gate
 - The FCC determined the safe value and then lowered by a factor of 10 and that is the value the wireless carriers use in the studies
 - The exposure levels are averaged over 6 minutes
- † The second group is called General Public
 - Uncontrolled access (General Public)
 - This group is for areas with general public access, the public would not have a knowledge of an antenna being close to them
 - Examples are:
 - Sidewalks
 - Parks
 - Public accessed buildings
 - The FCC determined the safe value and then lowered by a factor of 50 and that is the value the wireless carriers use in the studies
 - The exposure levels are averaged over 30 minutes
- † Compare the value for a tower which is 10mW to the power of a smartphone which is 200mW of power.

Power Levels below a tower

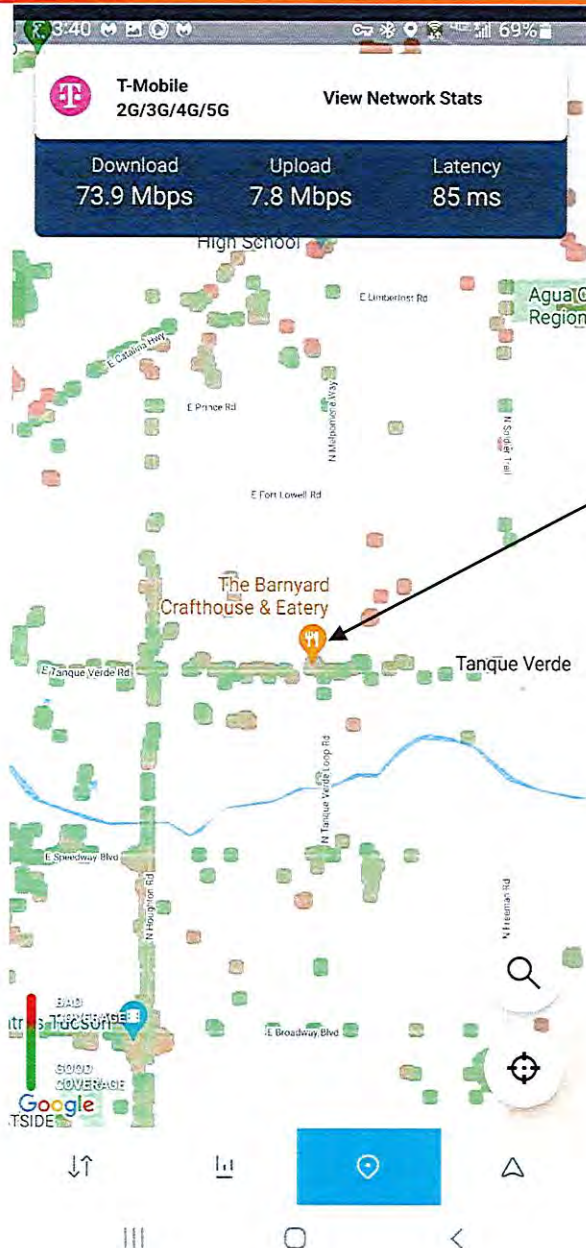
Main beam of the antenna



- Power levels on the ground around the tower are much less than what is at the antennas
 - Power on the ground adjacent to the tower is 1/1000 of the power compared to what is at the antenna
- 1/1000 of the power on the ground around the site

APPENDIX

Open Signal T-Mobile Quality Map



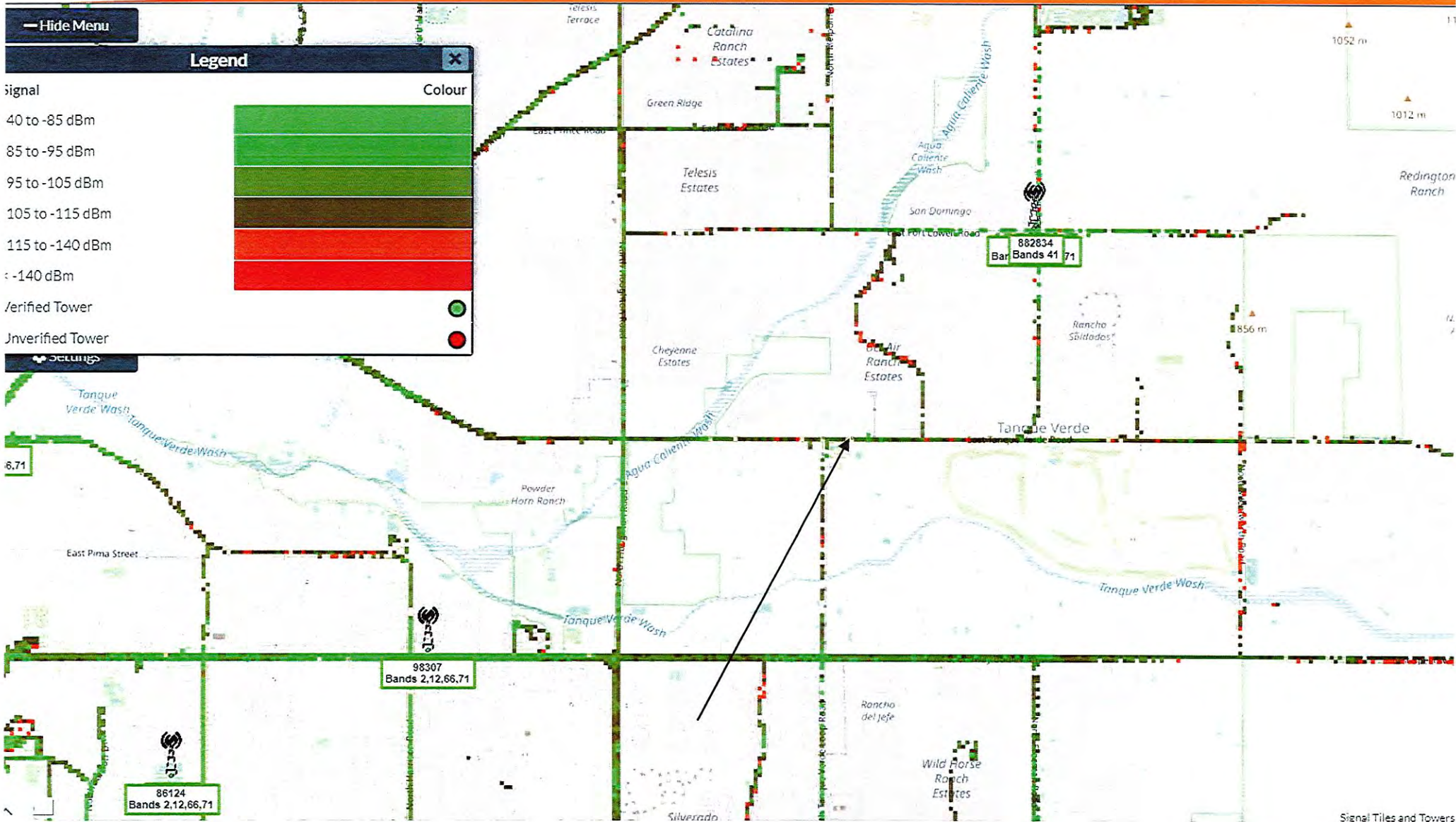
This map shows mobiles reporting quality of their connections to the network. This is crowdsource data from T-Mobile users made available by the OpenSignal App:

<https://www.opensignal.com/apps#section-os-app>

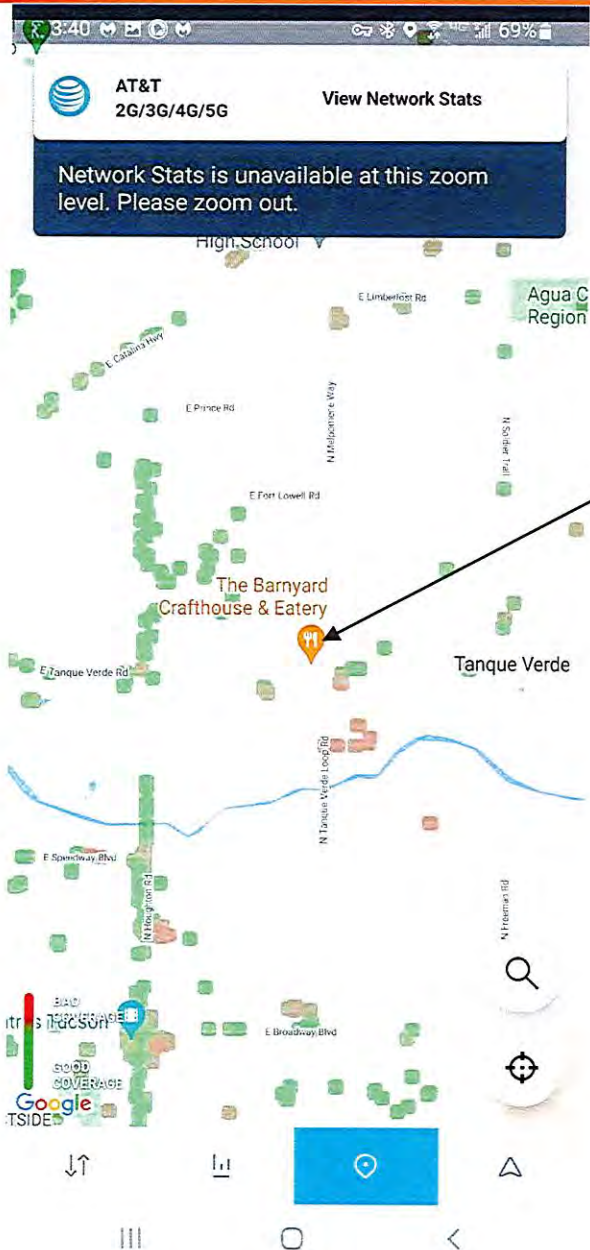
Green data points show good coverage and Red data points show bad coverage and lack of data points show no coverage

Notice the amount of red data points mixed in with green points

T-Mobile CellMapper



Open Signal AT&T Quality Map

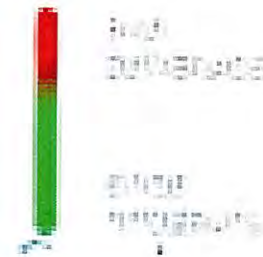


This map show mobiles reporting quality of their connections to the network. This is crowdsource data from AT&T users made available by the OpenSignal App:

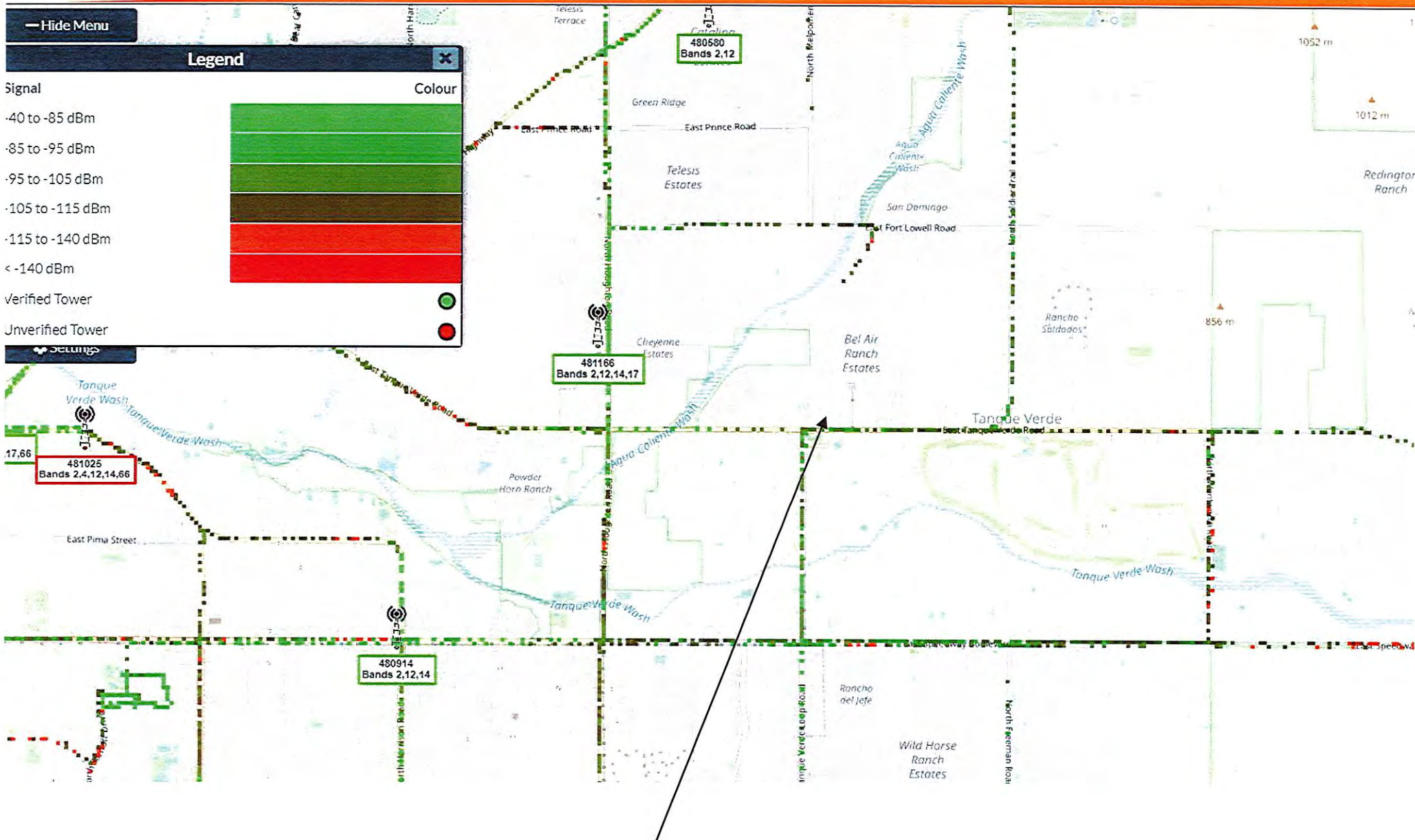
<https://www.opensignal.com/apps#section-os-app>

Green data points show good coverage and Red data points show bad coverage and lack of data points show no coverage

Notice the bad coverage data points South of the proposed



AT&T CellMapper





FAA 1-A SURVEY CERTIFICATION

Applicant: Sun State Towers
1426 N. Marvin Street #101
Gilbert, AZ 85233

Site Name: AZ02-135 Barnyard

Site Address: 2410 N. Tanque Verde Village Place
Tucson, AZ 85749

Structure Type: Rawland Mono-Elm

Coordinates of Structure:

Latitude: 32° 15' 05.581" N (32.2515502° N) (NAD 83)
Longitude: 110° 45' 11.185" W (110.7531069° W) (NAD 83)
Ground Elevation: 2628.0 feet AMSL (NAVD 88)

Structure Height:

Top of Structure: 70.0 feet (21.33 meters) AGL
Highest Appurtenance (Top of Branch) 75.0 feet (22.86 meters) AGL

Certification:

I certify that the above latitude and longitude are accurate to within 15 feet horizontally, and that the above ground elevation is accurate to within 3 feet vertically. The above heights (AGL) are accurate to within 1 foot vertically. The horizontal datum is based on the North American Datum of 1983 (NAD 83) and the vertical datum is based on the North American Vertical Datum of 1988 (NAVD 88).

Surveyor: Mark J. Grim
Registered Land Surveyor No.: 51969
Phone No.: (480) 440-1748
Date: 11/02/22



EXPIRES 03/31/23



FAA & FCC Submittal Verification

Site Number: 20212312373
Site Name: AZ02-135 Barnyard / TUC Rebecca
Site Address: 2410 North Tanque Verde Village Place
Tucson, AZ 85749
Jurisdiction: Pima County
Jurisdiction Address: 201 North Stone Avenue
Tucson, AZ 85701

According to Section 18.07.030.H.3.b of Pima County's Code of Ordinances,

“The applicant shall submit documentation detailing that applicable Federal Communications Commission and Federal Aviation Administration regulations have been reviewed and that the regulations are being complied with or that the communication tower is exempt from regulation prior to the issuance of the building permit.”

Per the direction of Pima County, Sun State Towers has submitted for FAA & FCC review and determination of approval via it's consultant Terracon on September 27th, 2022. We expect to have their respective approvals in 60-90 days and will relay to Pima County prior to issuance of building permit.

Graham Chapman
Site Acquisition Specialist
1426 N Marvin St, Suite 101
Gilbert, AZ 85233
M: (650) 815-5267
O: (480) 664-9588 ext. 255
F: (480) 664-9850
E: graham.chapman@pinnacleco.net

1-A SURVEY CERTIFICATION



Site Name: TUC Rebecca
2410 N. Tanque Verde Village Place
Tucson, AZ 85749

Survey Date: 08/28/2022

Coordinates of Proposed Fiber Vault:

Latitude:	32° 15' 05.761"N (NAD 83) (32.2516002°)	32° 15' 05.488"N (NAD 27) (32.2515245°)
Longitude:	110° 45' 11.322"W (NAD 83) (110.7531450°)	110° 45' 09.020"W (NAD 27) (110.7525057°)
Elevation:	2628.3' (NAVD 88)	

Certification:

I certify that the above latitude and longitude are accurate to within 15 feet horizontally.




Surveyor: Mark J. Grim
Registered Land Surveyor No.: 51969
Phone No.: (480) 440-1748
Date: 10/06/2022

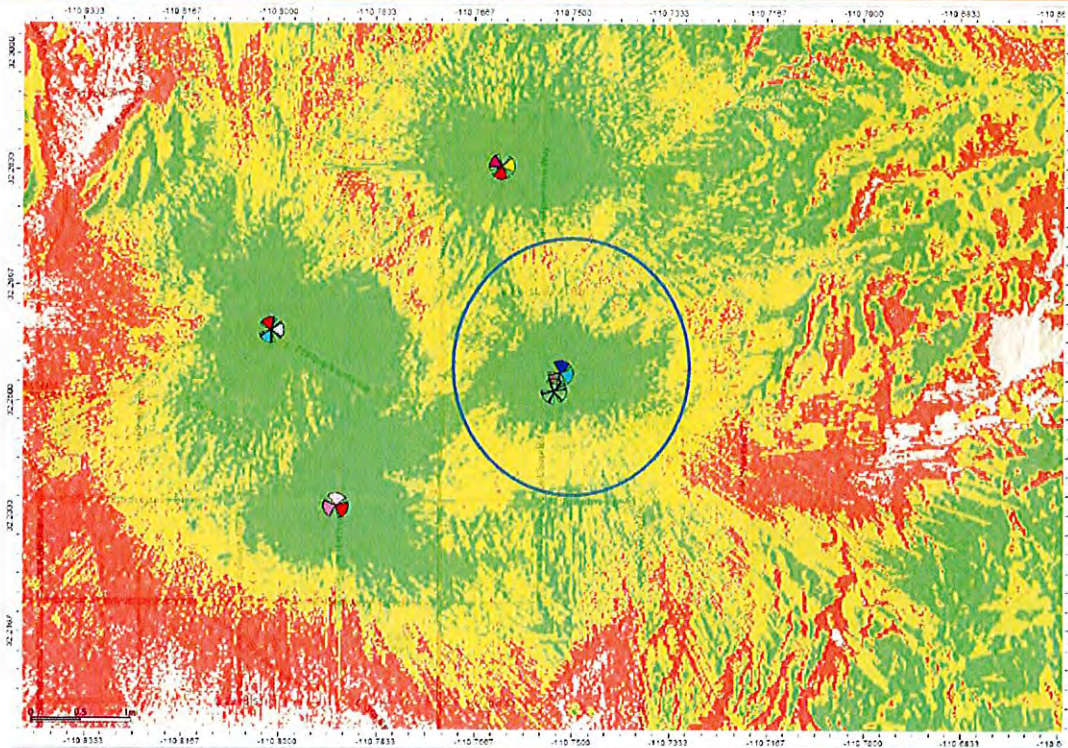


EXPIRES 03/31/20






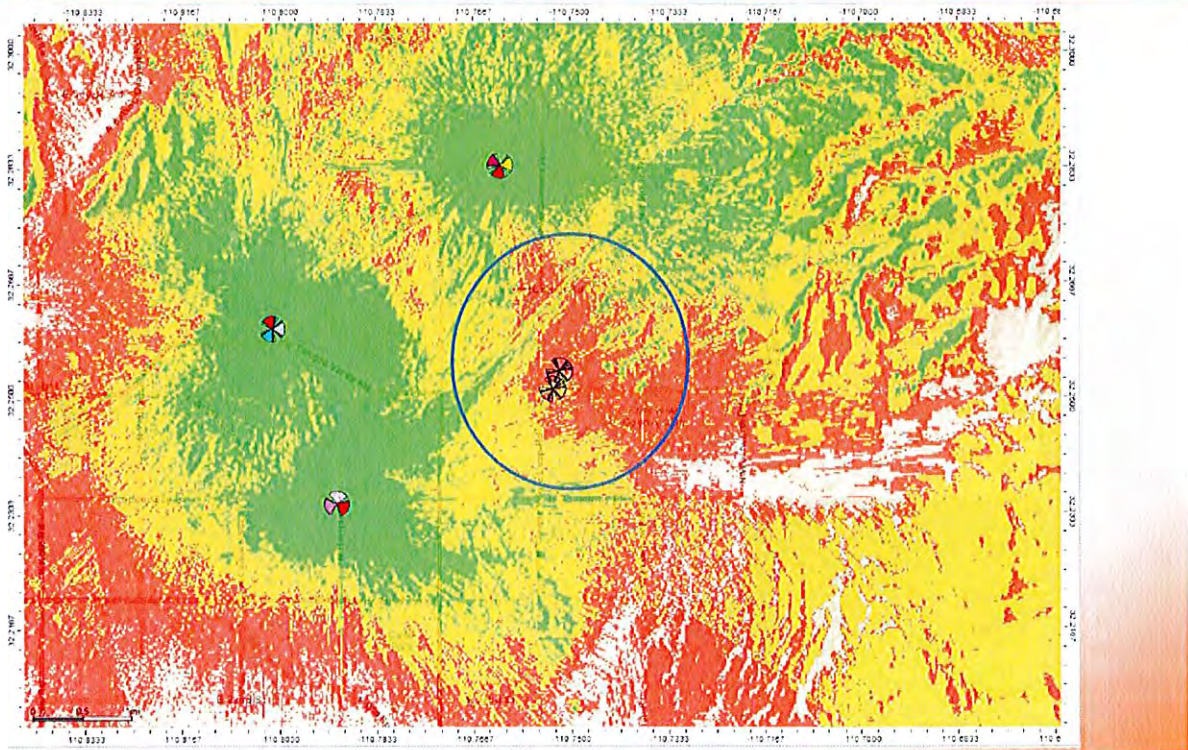
RSRP - Current Coverage

LEGEND	
	In-Building
	In-Vehicle
	On-Street






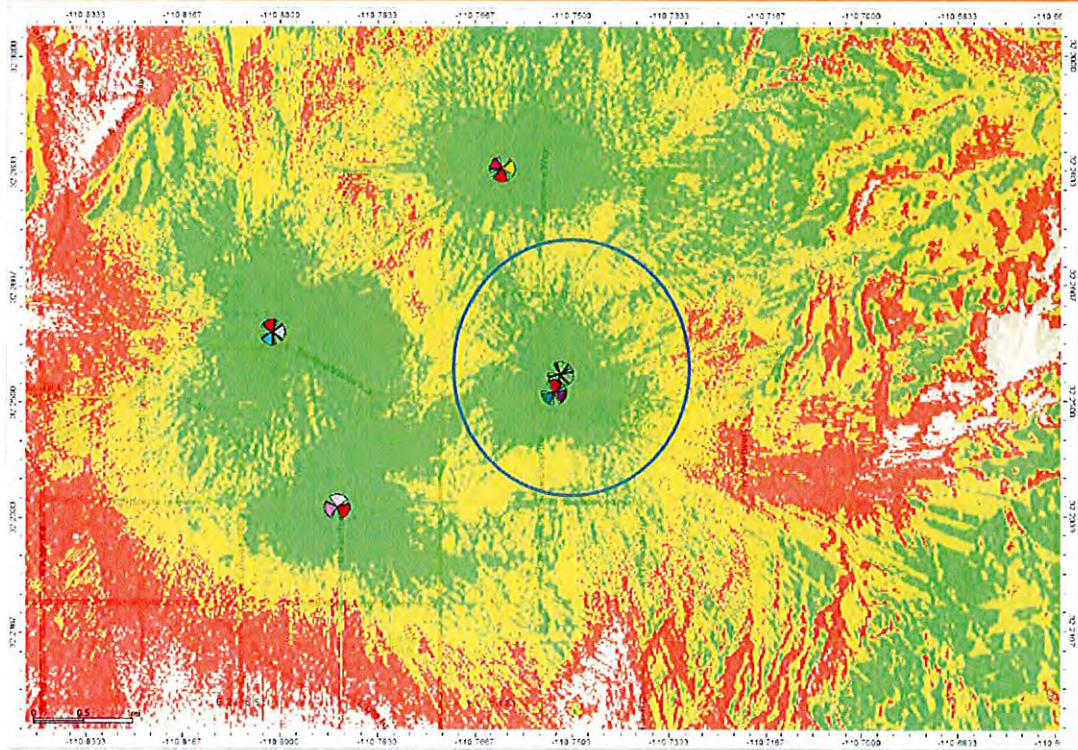
RSRP Neither Site On Air

LEGEND	
	In-Building
	In-Vehicle
	On-Street



RSRP – Proposed Coverage

LEGEND	
	In-Building
	In-Vehicle
	On-Street





SUN STATE TOWERS

AZ02-135 BARNYARD / TUC REBECCA

APN: 205-37-5710

2410 N. TANQUE VERDE VILLAGE PL.

TUCSON, AZ 85749

PIMA COUNTY

SITE DIRECTIONS

DEPART 1426 N MARVIN ST, GILBERT, AZ 85233. TURN RIGHT ONTO N MARVIN ST. TURN LEFT AT THE 1ST CROSS STREET ONTO W MERRILL AVE. TURN LEFT ONTO N COOPER RD. CONTINUE ONTO S STARPLEY DR. USE THE LEFT 2 LANES TO TURN LEFT TO MERGE ONTO US-60 W TOWARD PHOENIX. MERGE ONTO US-60 W. USE THE LEFT 2 LANES TO MERGE ONTO I-10 E TOWARD TUCSON. USE THE RIGHT 2 LANES TO TAKE EXIT 294 TOWARD GRANT RD. MERGE ONTO N FREEWAY. USE THE LEFT 2 LANES TO TURN LEFT ONTO W GRANT RD. CONTINUE STRAIGHT ONTO E GRAN I RD. USE THE LEFT 2 LANES TO TURN LEFT ONTO E TANQUE VERDE RD. TURN LEFT ONTO N TANQUE VERDE VILLAGE PL. DESTINATION WILL BE ON THE RIGHT.



PROJECT DESCRIPTION

SCOPE OF WORK

- INSTALL PROPOSED 70'x0' SUN STATE TOWERS MONOCELL
- INSTALL PROPOSED 30'x30'x6'0" CMU WALL
- INSTALL PROPOSED 4'x12' CONCRETE PAD
- INSTALL PROPOSED 4'x12' CONCRETE PAD
- INSTALL PROPOSED OUTDOOR POWER CABINET
- INSTALL PROPOSED OUTDOOR RF CABINET
- INSTALL PROPOSED DIESEL GENERATOR
- INSTALL PROPOSED ELECTRICAL SERVICE
- INSTALL [8] PROPOSED UNDERGROUND CONDUITS
- INSTALL PROPOSED ANTENNA FRAME
- INSTALL [12] PROPOSED ANTENNAS
- INSTALL [8] PROPOSED HEMISPHERICAL RADIO HEADS
- INSTALL [1] PROPOSED DVP-12
- INSTALL [2] PROPOSED HYBRID CABLES

SHIFET INDEX

1-1	PROJECT INFORMATION
LS-1	SITE SURVEY
2-1	SITE PLAN
2-1.1	EXISTING ENLARGED SITE PLAN
2-2	ENLARGED SITE PLAN AND ANTENNA PLAN
2-3	ELEVATIONS
2-4	ELEVATIONS

CONTACT INFORMATION

CLIENT:
SUN STATE TOWERS
1426 N. MARVIN STREET #101
GILBERT, AZ 85203
CONTACT: CHAD WARD
PHONE: (602) 463-9514

PROPERTY OWNER:
TITLE SECURITY AGENCY OF AZ
LLC TR 20141317
6340 N. CAMPBELL AVE. STE 240
TUCSON, AZ 85718-3183

CARRIER:
VERIZON WIRELESS
128 W. GEMINI DR.
TEMPE, AZ 85283
CONTACT: MICHAEL HOFFMAN
PHONE: (602) 510-0061

TOWER OWNER:
SUN STATE TOWERS
1426 N. MARVIN STREET #101
GILBERT, AZ 85203
CONTACT: CHAD WARD
PHONE: (480) 664-9588 ext. 214

SITE ACQUISITION:
PINNACLE CONSULTING, INC.
1426 N. MARVIN STREET #101
GILBERT, AZ 85203
CONTACT: MICHELLE LAVOUREUX
PHONE: (480) 664-9588 ext. 230

ENGINEERING FIRM:
PINNACLE CONSULTING, INC.
1426 N. MARVIN STREET #101
GILBERT, AZ 85203
ENGINEER: KYLE FORTIN, PE
PHONE: (602) 217-4235

PROJECT DATA

ZONING: RVC
PARCEL #: 205-37-5710
USE: UNBANNED COMMUNICATIONS
NEW LEASE AREA: 900 SQ. FT.

JURISDICTION: PIMA COUNTY

GOVERNING CODES: 2018 IRC, 2018 IFC, 2018 EAC, 2017 NEC

ALL BUILDING CODES LISTED ABOVE SHALL INCLUDE AMENDMENTS BY THE GOVERNING JURISDICTION

COORDINATES

TOWER COORDINATES:

LATITUDE:	32.25155027°	32° 15' 05.281" N (NAD83)
LONGITUDE:	-110.7531069°	-110° 45' 11.185" W (NAD83)
GROUND ELEVATION:		2628.07 (NAVD88)

FIBER MMP (MEET ME POINT) COORDINATES:

LATITUDE:	32.2518002°	32° 15' 05.761" N (NAD83)
LONGITUDE:	-110.7531450°	-110° 45' 11.322" W (NAD83)

GENERAL NOTES

- THIS WIRELESS TELECOMMUNICATIONS FACILITY WILL MEET THE HEALTH AND SAFETY STANDARDS FOR ELECTROMAGNETIC FIELD EMISSIONS AS ESTABLISHED BY THE FEDERAL COMMUNICATIONS COMMISSION OR ANY SUCCESSOR THEREOF, AND ANY OTHER FEDERAL OR STATE AGENCY.
- THIS WIRELESS TELECOMMUNICATIONS FACILITY WILL MEET THE REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION REGARDING PHYSICAL AND ELECTROMAGNETIC INTERFERENCE.
- LIGHTING OR SIGNS WILL BE PROVIDED ONLY AS REQUIRED BY FEDERAL OR STATE AGENCIES.
- DEVELOPMENT AND CONSTRUCTION OF THIS PROJECT WILL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
- EXISTING PAVING IS NOT AFFECTED BY THIS PROJECT.
- THIS PROJECT DOES NOT INCLUDE WATER OR SEWER.
- THIS PROJECT INCLUDES GRASS INSTALLATION.

APPROVALS

(RF): _____ DATE: _____

(CONST.): _____ DATE: _____

(RE): _____ DATE: _____

LANDLORD: _____ DATE: _____

SUN STATE TOWERS
1426 NORTH MARVIN STREET #101
GILBERT, AZ 85203
PHONE: (480) 664-9588 FAX: (480) 664-9583

verizon

128 W. GEMINI DR. #101, AZ 85283
PHONE: (480) 777-4362
FAX: (480) 777-4361

PINNACLE
Site Acquisition | Engineering | Construction

1426 NORTH MARVIN STREET #101
GILBERT, AZ 85203

PROJECT NO:	AZ02-135-150420000
DRAWING NO:	15
DATE:	07/20/2017

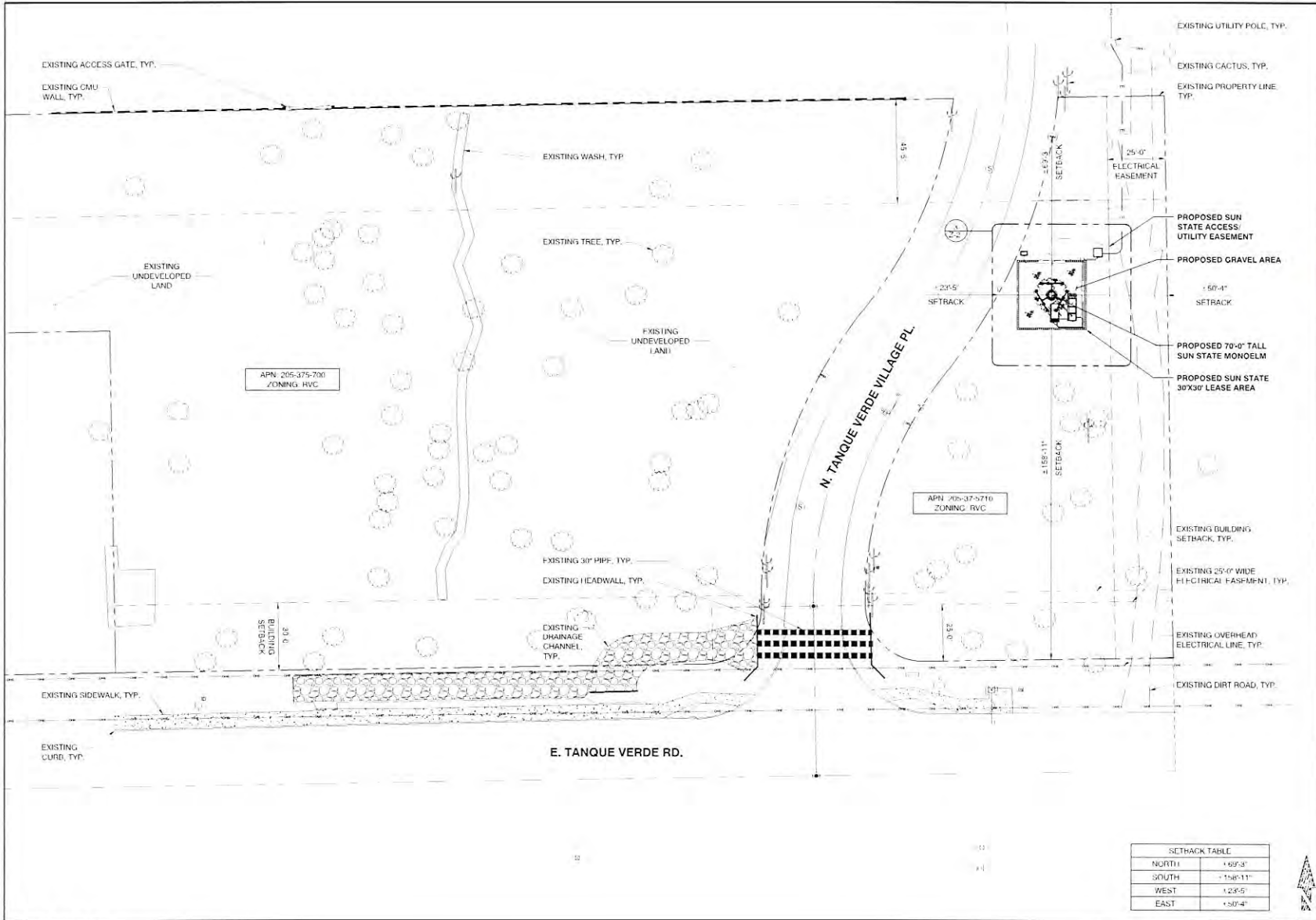
REV	DATE	DESCRIPTION	BY
1	08/02/2017	FINAL ZONING	CS
2	08/02/2017	FINAL ZONING	RF

FINAL FOR ZONING ONLY

AZ02-135 BARNYARD / TUC REBECCA
2410 N. TANQUE VERDE VILLAGE PL.
TUCSON, AZ 85749
PIMA COUNTY


PROJECT INFORMATION

T-1



1980 W. WILSON ST. #100

SUN STATE TOWERS
 1424 NORTH MARINA DRIVE #101
 GILCHRIE, AZ 85203
 PHONE: 480-444-0988 FAX: 480-444-0980

128 W. LO ANNE ST. #100 AZ 85203

 PHONE: 480-777-6262
 FAX: 480-777-6262

APN: 205-375-700 & 710 SITE ACQUISITION

PINNACLE
 Site Acquisition | Engineering | Construction
 1424 NORTH MARINA DRIVE #101
 GILCHRIE, AZ 85203

DESIGNED BY: AZ02-135 BARNYARD / TUC REBECCA
 DRAWN BY: JCS
 CHECKED BY: JCS

REV	DATE	DESCRIPTION	BY
0	7/20/2022	FINAL ZONING	JCS
1	7/20/2022	FINAL ZONING	JW

**FINAL
FOR ZONING
ONLY**

**AZ02-135 BARNYARD /
TUC REBECCA**
 2510N. TANQUE VERDE VILLAGE PL.
 GILCHRIE, AZ 85203
 PIMA COUNTY

SITE PLAN

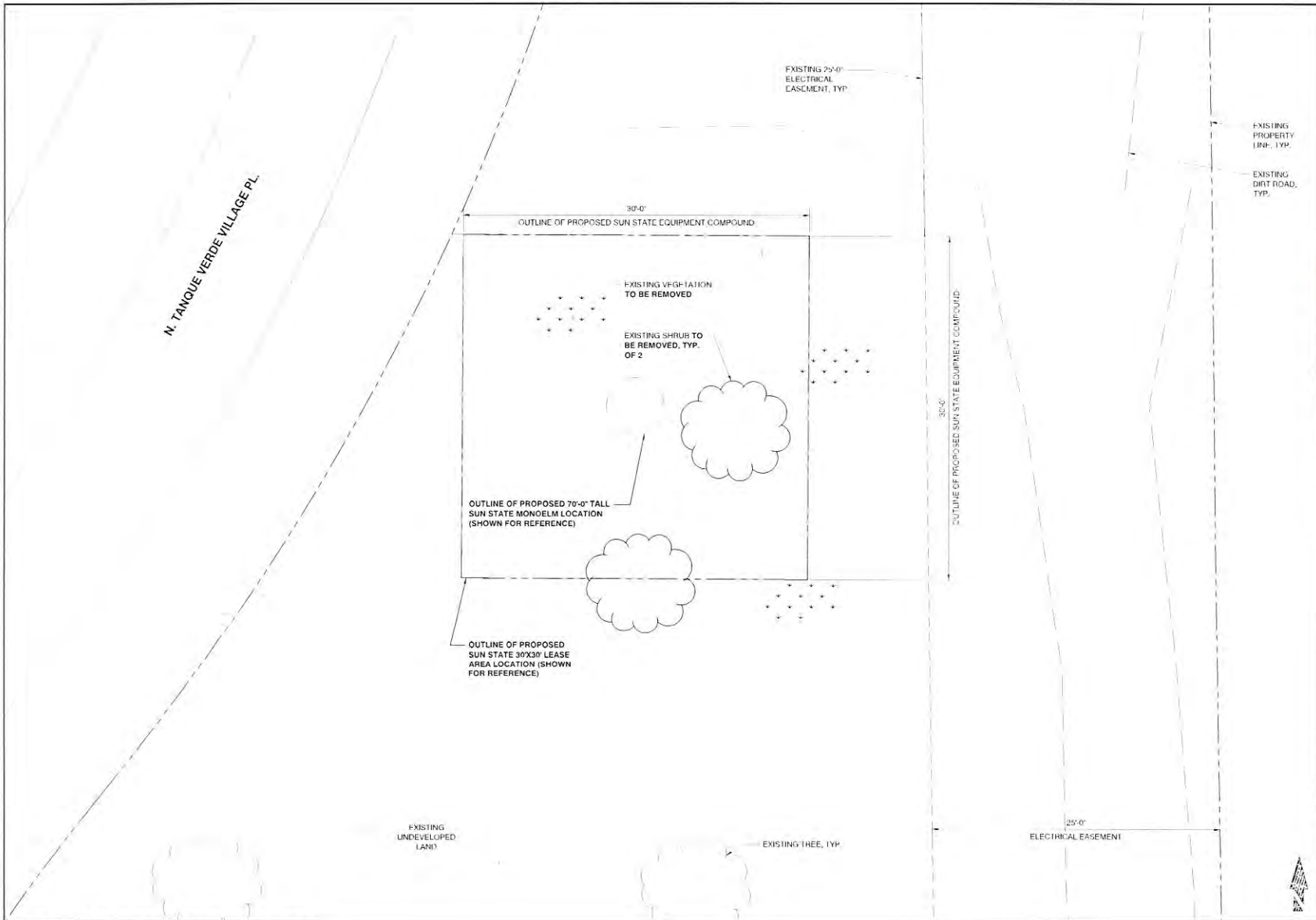
Z-1

SETRACK TABLE

NORTH	+ 60'-3"
SOUTH	+ 150'-11"
WEST	+ 23'-5"
EAST	+ 50'-4"

DATE: 07/20/22 11:00 AM
 11/16/22 SCALE: 1" = 40'

SITE PLAN




SUN STATE TOWERS
 1425 NORTH TOWER DRIVE #101
 GILBERT, AZ 85233
 PHONE: 480.444.3500 FAX: 480.444.3505

CLIENT:
verizon
 1200 G. WALKER DRIVE, AZ 85281
 PHONE: 480.777.4300
 FAX: 480.777.4307

A/E/C CONSULTING & SITE ACQUISITION

PINNACLE
 Engineering | Construction
 1425 NORTH TOWER DRIVE #101
 GILBERT, AZ 85233

PROJECT NO.	AZ02-135-BARNYARD
DRAWN BY	CS
CHECKED BY	AC

REV	DATE	DESCRIPTION	BY
1	10/05/20	FINAL ZONING	CS
2	10/01/20	FINAL ZONING	JM

**FINAL
FOR ZONING
ONLY**

**AZ02-135 BARNYARD /
TUC REBECCA**
 1419N TANQUE VERDE VILLAGE PL
 GILBERT, AZ 85234
 PIMA COUNTY

SHEET NO. 1
**EXISTING ENLARGED
SITE PLAN**

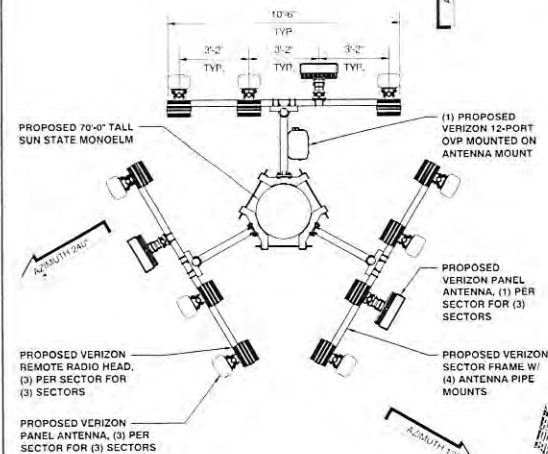
SHEET NUMBER
Z-1.1

EXISTING ENLARGED SITE PLAN

NEW HYBRID CABLE SCHEDULE					
SECTOR	AZIMUTH	LENGTH	QTY	SIZE	TYPE
ALPHA	0°	~80'	2	1 1/4"	HYBRIFLEX CABLE
BETA	120°	-	-	-	-
GAMMA	240°	-	-	-	-

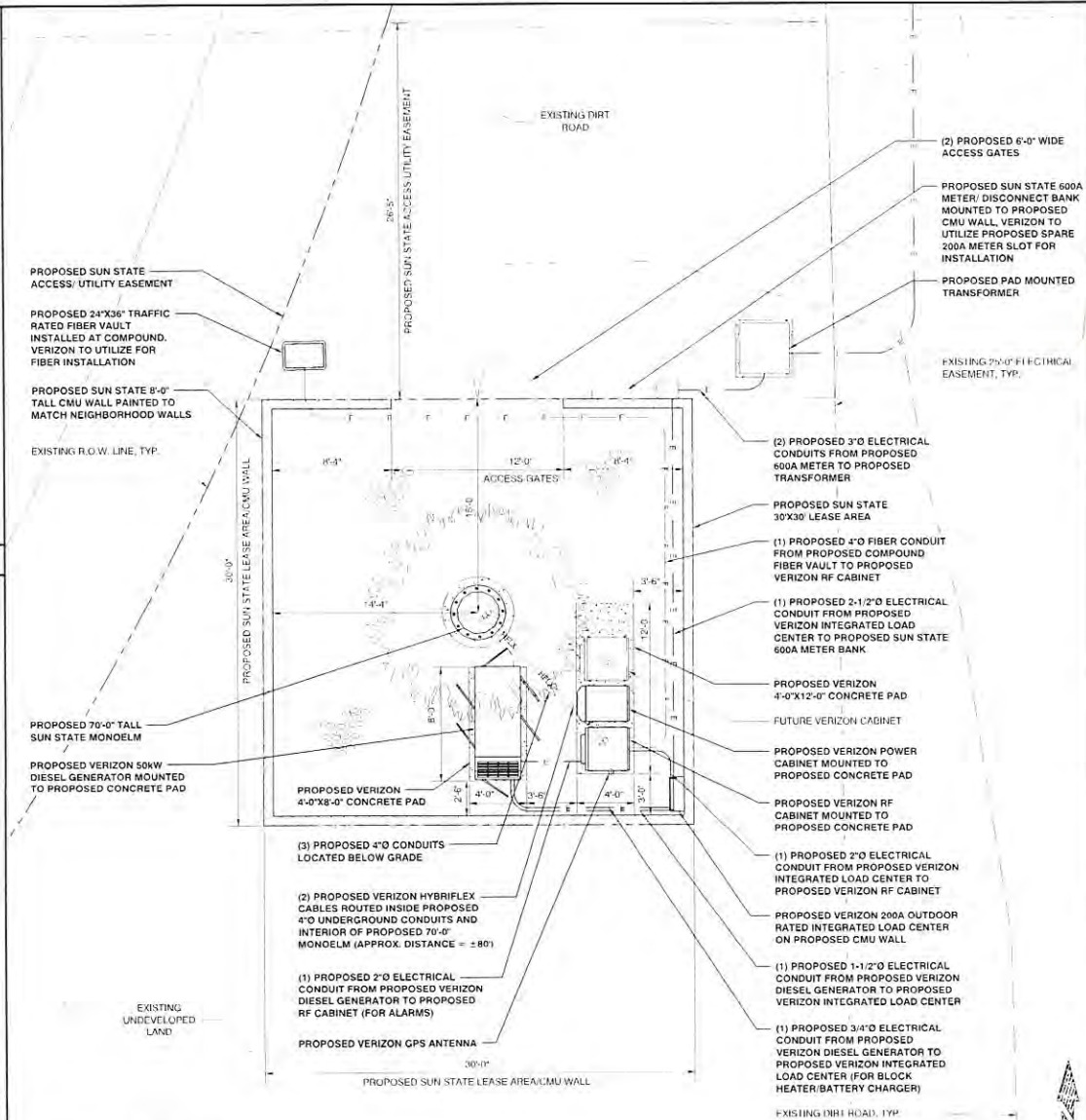
CABLING DETAIL

NOTE:
 * PROPOSED MONOELM BRANCHES
 NOT SHOWN FOR CLARITY



ANTENNA PLAN

RRH SCALE: 3/8" = 1'-0"
 ANTENNA SCALE: 3/8" = 1'-0"



ENLARGED SITE PLAN

RRH SCALE: 3/8" = 1'-0"
 PLAN SCALE: 1/8" = 1'-0"



PROJECT NO.	AZ07-0304000001
PROJECT	335
DATE	07/20/17

REV	DATE	DESCRIPTION	BY
1	10/02/17	REV. APPROVED	TS
2	02/03/17	REV. APPROVED	TS

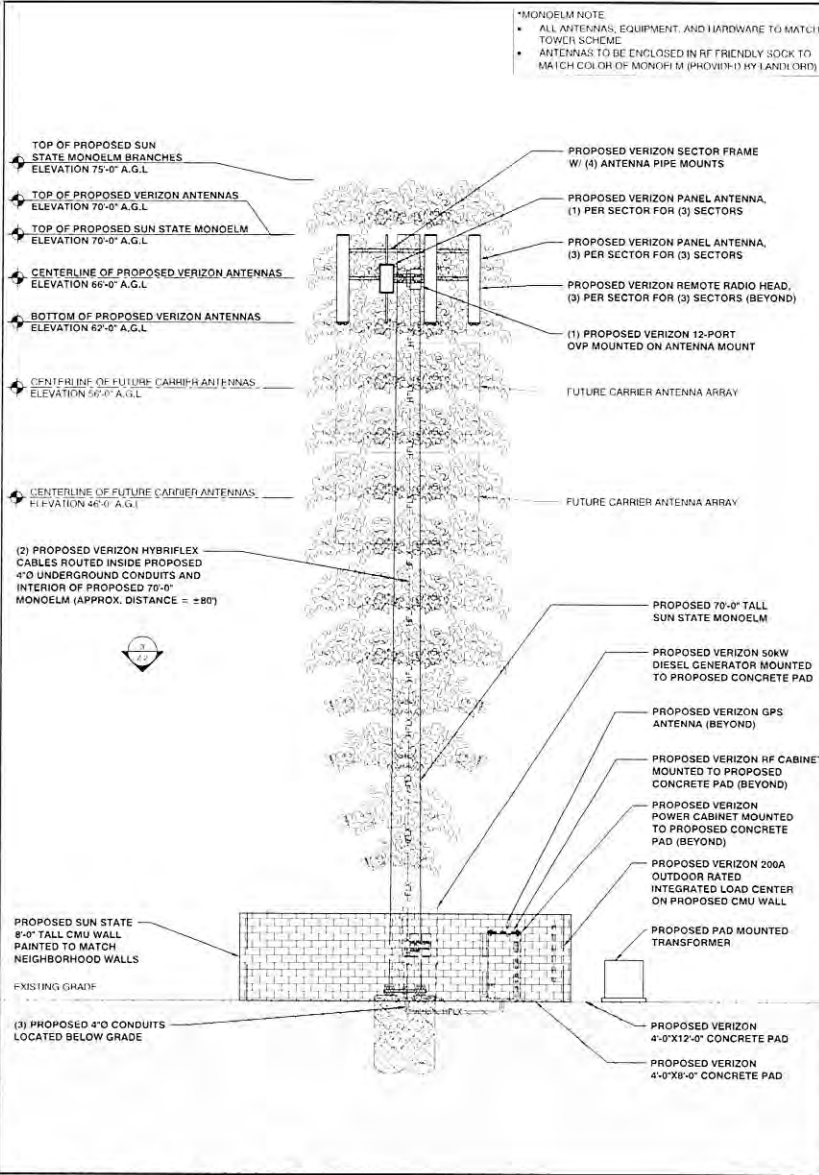
**FINAL
FOR ZONING
ONLY**

**AZ02-135 BARNYARD /
TUC REBECCA**

2418 N. TANQUE VERDE VILLAGE PL.
TUCSON, AZ 85741
PIMA COUNTY

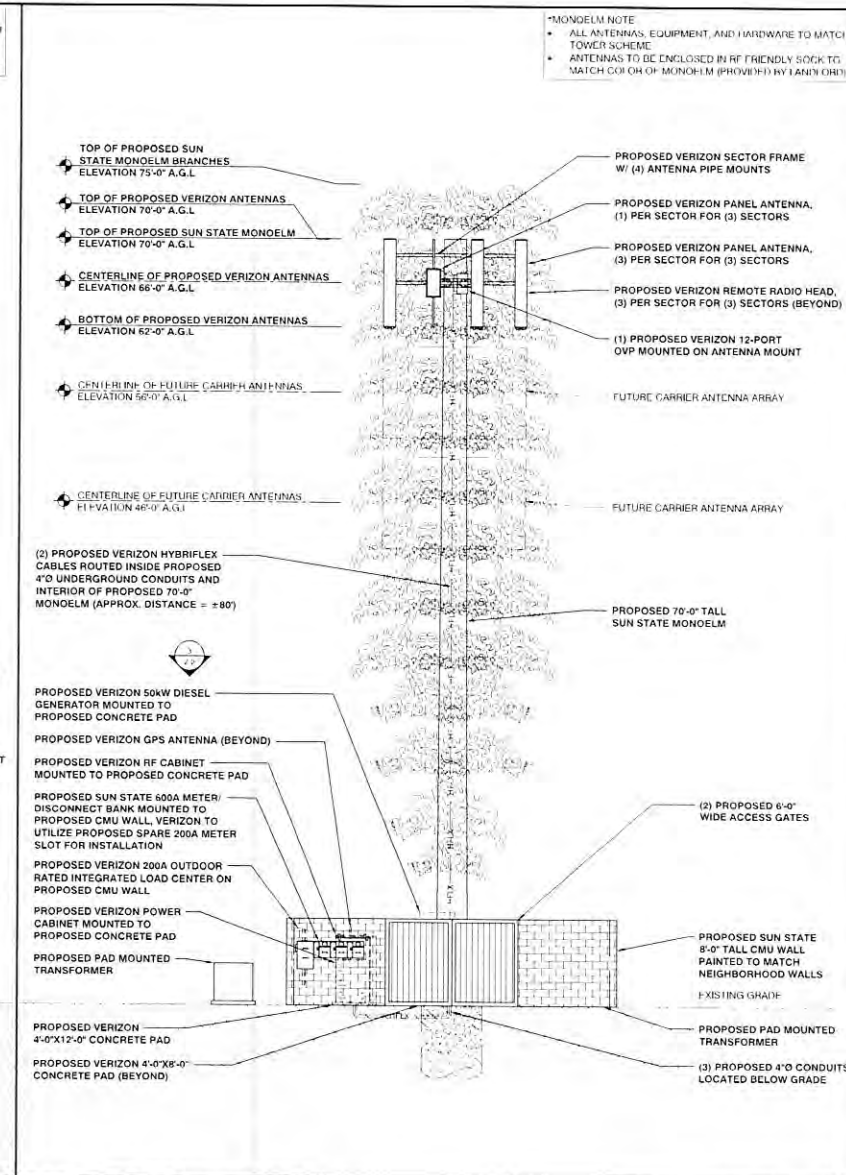
**ENLARGED SITE PLAN
AND ANTENNA PLAN**

Z-2



NEW SOUTH ELEVATION

2400' SCALE: 1/8" = 1'-0"
11/17 SCALE: 3/32" = 1'-0"



NEW NORTH ELEVATION

2400' SCALE: 1/8" = 1'-0"
11/17 SCALE: 3/32" = 1'-0"

PROPOSED CLIENT

SUN STATE TOWERS
1426 NORTH BARNYARD STREET #101
GALVESTON, AZ 80011
PHONE: 800.443.9398 - FAX: 800.468.3825

CLIENT

120 W. G. MORTON BLVD., AZ 80002
PHONE: 800.777.4800
FAX: 800.777.4300

ARCHITECTURAL FIRM & SITE ACQUISITION

PINNACLE
Site Acquisition | Engineering | Construction
1426 NORTH BARNYARD ST. | #101
GALVESTON, AZ 80011

PROJECT NO. 110101 (REVISED HARDWARE)

DRAWN BY: []

CHECKED BY: []

REV	DATE	DESCRIPTION	BY
0	11/15/22	FINAL DESIGN	[]
1	11/15/22	FINAL DESIGN	[]

FINAL FOR ZONING ONLY

AZ02-135 BARNYARD / TUC REBECCA

2410 N. TANGUE VERDE VILLAGE PL.
TUCSON, AZ 85745
PIMA COUNTY

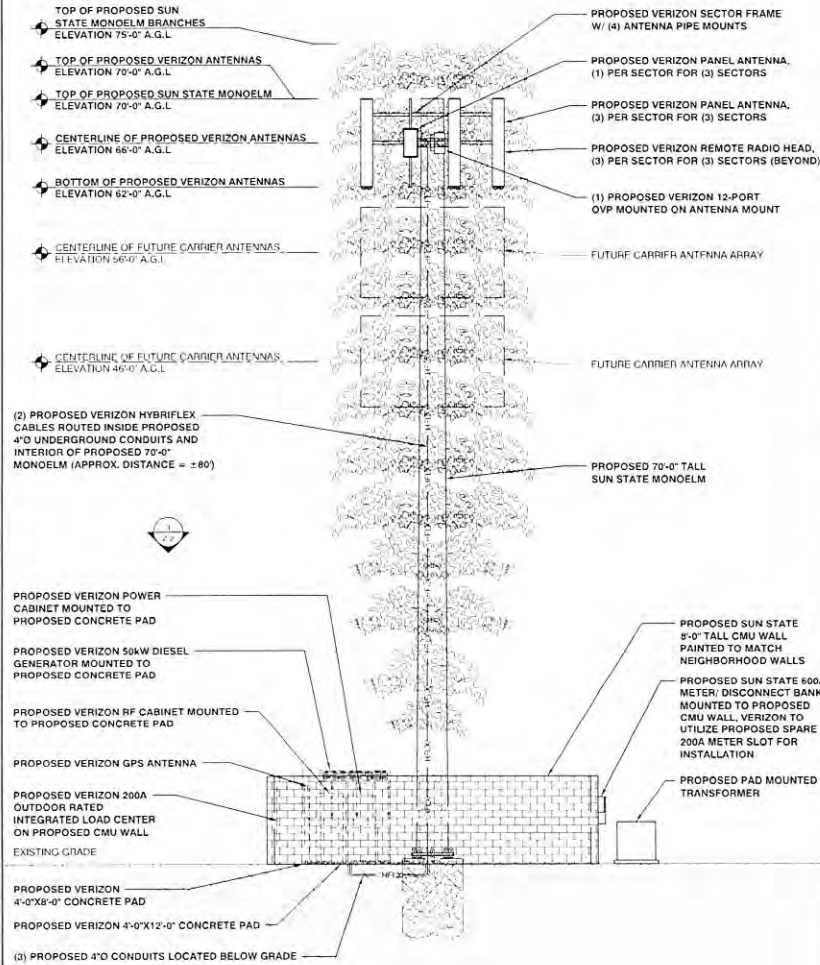
SHEET NO. 1

ELEVATIONS

SHEET NUMBER 1

Z-3

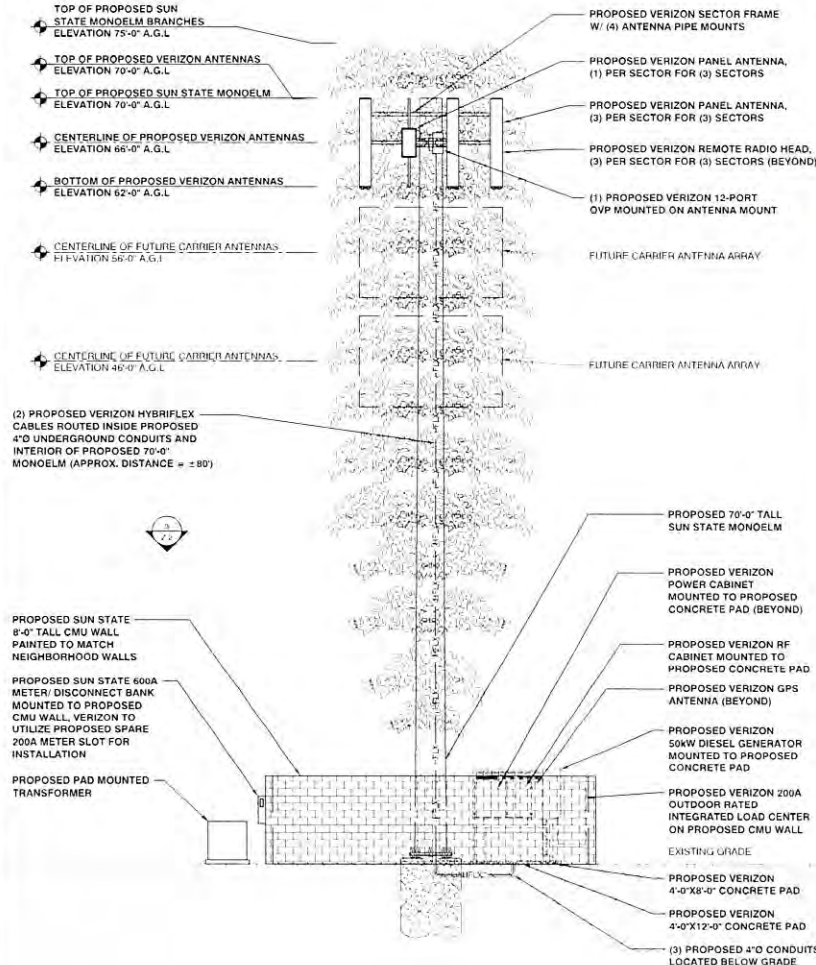
- *MONOELM NOTE**
- ALL ANTENNAS, EQUIPMENT, AND HARDWARE TO MATCH TOWER SCHEME.
 - ANTENNAS TO BE ENCLOSED IN RF FRIENDLY SOCK TO MATCH COLOR OF MONOELM. (PROVIDED BY LANDLORD)



NEW EAST ELEVATION

OVERALL SCALE: 3/8" = 1'-0"
 DETAILS SCALE: 3/32" = 1'-0"

- *MONOELM NOTE**
- ALL ANTENNAS, EQUIPMENT, AND HARDWARE TO MATCH TOWER SCHEME.
 - ANTENNAS TO BE ENCLOSED IN RF FRIENDLY SOCK TO MATCH COLOR OF MONOELM. (PROVIDED BY LANDLORD)



NEW WEST ELEVATION

OVERALL SCALE: 3/8" = 1'-0"
 DETAILS SCALE: 3/32" = 1'-0"

SUN STATE TOWERS
 1425 W. RIVER MAIN STREET #101
 GILBERT, AZ 85233
 PHONE: 480.844.9788 FAX: 480.844.9850

verizon
 1201 N. GARDEN AVENUE, SUITE 100
 PHOENIX, ARIZONA 85006
 TEL: 480.777.4300 FAX: 480.777.4301

PINNACLE
 Site Acquisition | Engineering | Construction
 1401 NORTH WILLOW STREET, #101
 GILBERT, AZ 85233

PROJECT NO:	AZ02-135 BARNYARD
DRAWING NO:	13
DATE:	07/2017

REV	DATE	DESCRIPTION	BY
0	10/2016	FINAL DESIGN	J.S.
1	10/2017	ISSUE FOR PERM	J.P.

FINAL FOR ZONING ONLY

AZ02-135 BARNYARD / TUC REBECCA
 2416 N. TANQUE VERDE WILLOW PL
 TUCSON, AZ 85749
 HMA CONSULTING

ELEVATIONS

Z-4



LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

2410 North Tanque Verde Village Place, Tucson, AZ 85749

Property Address

Conditional Use Permit for Wireless Communication Facility

Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)

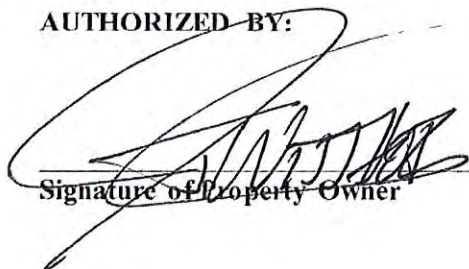
Graham Chapman Digitally signed by Graham Chapman
Date: 2022.09.19 09:27:10 -07'00'

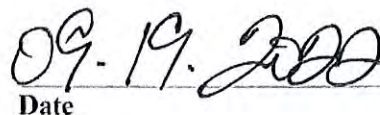
Signature of Applicant

09.19.2022

Date

AUTHORIZED BY:


Signature of Property Owner


Date



Memo to File:

Pima County Regional Flood Control District (PCRFCDD) Approval Received (09/29/2022)

Site Number: 20212312373
Site Name: AZ02-135 Barnyard / TUC Rebecca
Site Address: 2410 North Tanque Verde Village Place,
Tucson, AZ 85749
PCRFCDD Address: 201 North Stone Avenue, 9th Floor
Tucson, AZ 85701
PCRFCDD Contact: Philip Calabrese, CFM
Senior Hydrologist
Contact Information: (520) 724-4600, philip.calabrese@pima.gov

Per the direction of the Pima County Development Services Conditional Use Permit Application, we reached out to Pima County's Regional Flood Control District to discuss our proposed use prior to submittal of our CUP.

Per the attachment on the following page, the Pima County Regional Flood Control District has reviewed our proposal and has given their approval to move forward with no requirements from their department as there are no mapped floodplain hazards or protected riparian habitat on site.

Graham Chapman
Site Acquisition Specialist
1426 N Marvin St, Suite 101
Gilbert, AZ 85233
M: (650) 815-5267
O: (480) 664-9588 ext. 255
F: (480) 664-9850
E: graham.chapman@pinnacleco.net

RE: Approval from Regional Flood Control District for Conditional Use Permit Application - Project "AZ02-135 Barnyard" - 09.29.2022

Philip Calabrese <Philip.Calabrese@pima.gov>

Thu 9/29/2022 11:48 AM

To: Graham Chapman <graham.chapman@pinnacleco.net>

Thank Graham,

I've reviewed the target property. There are no mapped floodplain hazards or protected riparian habitat on site. Flood Control will not have requirements for construction on this property.

This project has Flood Control approval to move forward.

Thank you

Philip Calabrese, CFM

Senior Hydrologist

Pima County Regional Flood Control District

201 N Stone Ave, 9th Floor

Tucson, AZ 85701

520-724-4600

From: Graham Chapman <graham.chapman@pinnacleco.net>

Sent: Thursday, September 29, 2022 11:43 AM

To: Philip Calabrese <Philip.Calabrese@pima.gov>

Subject: RE: Approval from Regional Flood Control District for Conditional Use Permit Application - Project "AZ02-135 Barnyard" - 09.29.2022

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Hello Philip,

This is Graham Chapman again with Pinnacle Consulting, working on behalf of Verizon Wireless. Thank you for taking my call just now.

As discussed in our conversation today, Pima County requires all conditional use permit applicants to contact the Pima County Regional Flood Control District to discuss their proposal prior to application submittal. I relayed to you that we are planning to install and operate a 70' wireless communications facility on parcel 205-375-710 (2410 East Tanque Verde Village Place, Tucson, AZ 85749), and you stated that the Regional Flood Control District sees no issue with this proposed use as the site is in an area of minimal flood hazard and should not pose any danger.

Would you please respond to this email and confirm your approval?

Many thanks,

Graham Chapman

Site Acquisition Specialist

1426 N Marvin St, Suite 101

Gilbert, AZ 85233

M: (650) 815-5267

O: (480) 664-9588 ext. 255

F: (480) 664-9850

E: graham.chapman@pinnacleco.net



SEQUENCE: 20222620763
 No. Pages: 12
 9/19/2022 4:02 PM



GABRIELLA CÁZARES-KELLY, RECORDER
 Recorded By: KAK(e-recording)

When recorded, please return to:

Title Security Agency, LLC
 Attn: Loan Servicing
 1840 E. River Rd., Suite 201
 Tucson, AZ 85718

DEED OF TRUST AND ASSIGNMENT OF RENTS

Dated: September 19, 2022

Trustor: TK Family LLC, an Arizona limited liability company

Mailing Address: 8400 East Cresthill Drive
 Tucson, Arizona 85750

Beneficiary: Scotia JV 2005, LLP, an Arizona limited liability partnership

Mailing Address: 6340 N Campbell Avenue Suite 240
 Tucson, AZ 85718

Trustee: Title Security Agency, LLC, a Delaware limited liability company

Mailing Address: 1840 E River Rd., Suite 200
 Tucson, Arizona 85718

Property in Pima County, State of Arizona, described in Exhibit A attached hereto and made a party hereof (hereinafter referred to as the "property" or "said property").

This Deed of Trust is made on the above date between the Trustor, Trustee and Beneficiary above named. The obligations of Trustor, if more than one, are joint and several.

WITNESSETH: That Trustor irrevocably grants and conveys to Trustee in trust, with power of sale, the above described real property and all buildings, improvements and fixtures located thereon or hereafter erected thereon, together with all leases, rents, issues, profits, and income thereof (all of which are hereinafter called "property income"); SUBJECT HOWEVER, to the right, power, and authority hereinafter given to and conferred upon Beneficiary to collect and apply such property income; AND

SUBJECT TO existing taxes, assessments, covenants, conditions, restrictions, rights of way, and easements of record as of the date hereof only.

FOR THE PURPOSE OF SECURING:

- A. Performance of each agreement and covenant of Trustor herein contained.
- B. Payment of the indebtedness evidenced by promissory note or notes of even date herewith, and any extension or renewal thereof, in the principal sum of \$281,250.00 executed by Trustor, Gerald Joseph Kertesz and Lisa Jean Kertesz, husband and wife, and Jeffrey Witthoft and Jennifer Witthoft, husband and wife, in favor of Beneficiary, and interest and other obligations of the maker thereof as specified therein ("Note").
- C. Payment of additional sums and interest thereon which may hereafter be loaned to Trustor, or its successors or assigns, when evidenced by a promissory note or notes reciting that they are secured by this Deed of Trust.

TO PROTECT THE SECURITY OF THIS DEED OF TRUST, TRUSTOR AGREES:

- 1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged, or destroyed thereon, and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer, or permit any act upon said property in violation of law; and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.
- 2. To provide, maintain, and deliver to Beneficiary fire insurance and other casualty policies satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness and other obligations secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Trustor. Such application or release shall not cure or waive any

default or notice of Trustee's sale hereunder or invalidate any act done pursuant to such notice.

To carry and maintain general liability insurance, including contractual liability insurance, and property damage insurance for personal injury, death or property damage, or destruction of property, occurring in, on or about the property, which names Beneficiary as a named insured, with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence or in such greater amounts as Beneficiary may require from time to time. Trustor shall also carry workmen's compensation insurance as required by law and such other insurance in such amounts as Beneficiary may reasonably require from time to time.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses of Beneficiary and Trustee, including cost of evidence of title and attorneys' fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear or be named, and in any suit brought by Beneficiary or Trustee to foreclose this Deed of Trust.
4. To pay before delinquent, all taxes and assessments affecting said property; when due, all encumbrances, charges, and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees, and expenses of the Trust, including, without limiting the generality of the foregoing, the fees of Trustee for issuance of any deed of partial release and partial reconveyance, or deed of release and full reconveyance, and all lawful charges, costs, and expenses in the event of reinstatement of, following default in, this Deed of Trust or the obligations secured hereby.

Should Trustor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Trustor and without releasing Trustor from any obligation hereof, may make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee;

pay, purchase, contest, or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such power, pay necessary expenses, employ counsel, and pay its reasonable fees.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, together with interest from date of expenditure at the "Default Rate" of interest as defined in the Note (which is incorporated herein and made a part hereof). Any amounts so paid by Beneficiary or Trustee, plus interest thereon at the Default Rate, shall become a part of the obligations secured by this Deed of Trust and a lien on said premises.

IT IS MUTUALLY AGREED:

6. That any award of damages in connection with any condemnation or any such taking, or for injury to said property by reason of public use, or for damages for private trespass or injury thereto, is assigned and shall be paid to Beneficiary as further security for all obligations secured hereby (reserving unto the Trustor, however, the right to sue therefor and the ownership thereof subject to this Deed of Trust), and upon receipt of such moneys Beneficiary may hold the same as such further security, or apply or release the same in the same manner and with the same effect as the above provided or disposition of proceeds of fire or other insurance.
7. That time is of the essence of this Deed of Trust, and that by accepting payment of any sum or performance secured hereby after its due date, Beneficiary does not waive its right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay or perform.
8. That at any time or from time to time, and without notice, upon written request of Beneficiary, and without liability therefor, and without affecting the personal liability of any person for payment or performance of the indebtedness or obligations secured hereby, and without affecting the security hereof for the full amount secured hereby on all said property remaining subject hereto, and without the necessity that any sum representing the value or any portion thereof of said property affected by the Trustee's action be credited on the indebtedness or other obligations secured hereby, the Trustee may: (a) release and reconvey

all or any part of said property; (b) consent to the making and recording, or either, of any map or plat of said property or any part thereof, (c) join in granting any easement thereon; (d) join in or consent to any extension agreement or any agreement subordinating the lien, encumbrance, or charge hereof.

9. That upon written request of Beneficiary stating that all sums and obligations secured hereby have been paid, observed and performed, and upon surrender of this Deed of Trust to Trustee for cancellation and retention, and upon payment of its fees, Trustee shall release and reconvey, without covenant or warranty, express or implied, said property then held hereunder. The recitals in such reconveyance of any matters or facts shall be conclusive proof of the truthfulness thereof. The Grantee in such reconveyance may be described as "the person or persons legally entitled thereto."
10. That as additional security, Trustor hereby gives to and confers upon Beneficiary the right, power, and authority, during the continuance of this Trust, to collect the property income, reserving to Trustor the right, prior to any default by Trustor in payment of any indebtedness or performance of any obligation secured hereby or in performance of any agreement hereunder, to collect and retain such property income as it becomes due and payable. Upon any such default, Beneficiary may at any time, without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness or other obligations hereby secured, enter upon and take possession of said property or any part thereof, in its own name sue for or otherwise collect such property income, including that past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorneys' fees, upon any indebtedness or other obligations secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such property income, and the application thereof as aforesaid, shall not cure or waive any default or notice of Trustee's sale hereunder or invalidate any act done pursuant to said notice.
11. That upon default by Trustor in the payment of any indebtedness secured hereby or in performance of any agreement hereunder or secured hereby, Beneficiary may declare all sums and obligations secured hereby immediately

due and payable by delivery to Trustee of written notice thereof, setting forth the nature thereof, and of election to cause to be sold said property under this Deed of Trust. Beneficiary also shall deposit with Trustee this Deed of Trust, said Note(s), and all documents evidencing expenditures secured hereby to hold the same in trust for Beneficiary.

Trustee shall record and give notice of Trustee's sale in the manner required by law, and after the lapse of such time as may then be required by law, Trustee shall sell, in the manner required by law, said property at public auction at the time and place fixed by it in said notice of Trustee's sale to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee may postpone or continue the sale by giving notice of postponement or continuance by public declaration at the time and place last appointed for the sale. Trustee shall deliver to such purchaser its Deed conveying the property so sold, but without any covenant or warranty, expressed or implied. Any persons, including Trustor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees, and expenses of Trustee and of this Trust, including cost of evidence of title in connection with sale and reasonable attorneys' fees, Trustee shall apply the proceeds of sale to payment of: All sums and obligations then secured hereby and all other sums due under the terms hereof, with accrued interest; and the remainder, if any, to the person or persons legally entitled thereto, or as provided in A.R.S. Section 33-812. To the extent permitted by law, an action may be maintained by Beneficiary to recover a deficiency judgment for any balance due hereunder. In lieu of sale pursuant to the power of sale conferred hereby, this Deed of Trust may be foreclosed in the same manner provided by law for the foreclosure of mortgages on real property. Beneficiary shall also have all other rights and remedies available to it hereunder and at law and in equity. All rights and remedies shall be cumulative.

If the property under this Deed of Trust is located in more than one county, regardless of whether the property is contiguous or not, the Trustee may sell all of said property in any one of the counties in which part of said property is located; and, unless Trustee receives contrary written instructions from the Beneficiary or Trustor,

Trustee may sell all of said property either in parcels or in whole.

If the indebtedness or other obligations secured hereby is secured by one or more other Deeds of Trust, then upon default of Trustor in the payment of said indebtedness or performance of or under any other agreement secured hereby, the Trustee may sell the property subject to this Deed of Trust and to any other Deeds of Trust securing said indebtedness and obligations as Trustee's sale conducted serially. In the absence of written instructions from the Beneficiary to the contrary, the Trustee may, in its sole discretion, designate the order in which property subject to the various Deeds of Trust is to be sold.

12. That Beneficiary may appoint a successor Trustee in the manner prescribed by law. A successor Trustee herein shall, without conveyance from the predecessor Trustee, succeed to all the predecessor's title, estate rights, powers, and duties. Trustee may resign by mailing or delivering notice thereof to Beneficiary and Trustor.
13. That this Deed of Trust applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, grantees, administrators, executors, successors, and assigns. The term "Beneficiary" shall include the owner and holder of the rights of "Payee" under the Note or Notes secured hereby, whether or not named as Beneficiary herein. In this Deed of Trust, whenever the context so requires, the masculine gender includes the feminine and neuter, and the singular number includes the plural.
14. The Trustor/Mortgagor hereby waives, releases and discharges any homestead exemption claimed or declared against the property under this Deed of Trust.
15. That Trustee accepts this Trust when this Deed of Trust, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Trustor, Beneficiary or Trustee shall be a party unless brought by Trustee.
16. The undersigned Trustor requests that a copy of any notice of Trustee's sale hereunder be mailed to him at its address set forth herein.

17. Trustor shall send to Beneficiary upon receipt a copy of all tax, assessment, and other notices, bills, statements, and communications from Pima County, Arizona; in addition to proof (unless paid directly by Beneficiary) of the timely payment of all taxes, assessments, liens, and other amounts affecting or secured by the property under this Deed of Trust, the immediate payment of which shall be an additional obligation of Trustor hereunder (unless sufficient funds are collected in advance by Beneficiary for payment thereby). Trustor shall also send to Beneficiary proof of compliance with all insurance obligations under this Deed of Trust and proof of payment for the same (unless paid directly by Beneficiary).
18. In the event this Deed of Trust or any one or more provisions hereof shall for any reason be held to be invalid, illegal or unenforceable in any respect, or as to any party hereto or referred to or described herein, such invalidity, illegality or unenforceability shall not affect any other provisions of this Deed of Trust or their application to any other party, but this Deed of Trust shall be construed as if such invalid or illegal or unenforceable provision had never been contained herein, or such party had never been a party hereto or referred to or described herein, and this Deed of Trust shall remain binding upon and enforceable against all other parties hereto.
19. In the event Trustor sells, conveys, transfers, disposes of, leases or assigns, or is divested of, or no longer hold, any interest in or to the property under this Deed of Trust or any portion thereof, either voluntarily, involuntarily or otherwise, or enters into an agreement to do so, without the prior written discretionary consent of Beneficiary, Beneficiary shall have the right, but not the obligation, to declare the then outstanding principal balance evidenced by the Note, together with all accrued but unpaid interest thereon, and all other obligations secured hereby, immediately due and payable without notice or demand, without regard to the adequacy or inadequacy of the security therefor, or the solvency or insolvency of Trustor or its grantees, successors or assigns. The foregoing right to accelerate the obligations secured hereby may be exercised at any time in Beneficiary's sole discretion after the occurrence of any event described in this paragraph, and the acceptance of one or more payments, or the performance from any person or entity thereafter on

account of any obligations secured hereby, shall not constitute a waiver of Beneficiary's rights as expressed in this paragraph.

20. Unless waived in writing by Beneficiary (which waiver may be rescinded by Beneficiary at any time), Trustor shall pay to Beneficiary on the day monthly installments of principal and/or interest are payable under the Note (or on another day designated in writing by Beneficiary in its sole discretion), until the Note is paid in full, a sum (herein, the "Funds") equal to one-twelfth (1/12) of the yearly taxes and assessments which may be levied on or against the property, plus all insurance required to be maintained herein and annual association and well share assessments and charges applicable to the property, if any, as estimated initially and from time to time by Beneficiary. Beneficiary may require Trustor to pay to Beneficiary, in advance, such sums for other taxes, charges, premiums, assessments, and impositions relating to Trustor or the property, payment of which Beneficiary shall deem necessary to protect any of the liens or security interests of Beneficiary covered by this Deed of Trust or which could result in the foreclosure of the property ("Other Impositions"). Unless otherwise provided by applicable law, Beneficiary may require Funds for Other Impositions to be paid to Beneficiary by Trustor in a lump sum or in periodic installments, at Beneficiary's option.

The Funds shall be held by Beneficiary or, at Beneficiary's option, in an institution, the deposits or accounts of which are insured or guaranteed by a federal or state agency. Beneficiary shall apply the Funds to pay said taxes, assessments, insurance premiums, association, and well charges and assessments and Other Impositions as they become due provided that Trustor is not in breach of any covenant or agreement of Trustor in this Deed of Trust or any document or instrument secured hereby. Beneficiary shall make no charge for so holding and applying the Funds, analyzing said account or for verifying and compiling said assessments and bills, unless Beneficiary pays Trustor interest, earnings, or profits on the Funds and applicable law permits Beneficiary to make such a charge. Unless applicable law requires payment of interest, earnings or profits on the Funds to be paid, Beneficiary shall not be required to pay Trustor any interest, earnings, or profits on the Funds. Beneficiary shall give to Trustor, without charge, an annual accounting of the Funds, in Beneficiary's

selected format, showing credits and debits to the Funds and the purposes for which each debit to the Funds was made. The Funds are hereby pledged as additional security for the indebtedness and obligations secured by this Deed of Trust.

If the amount of the Funds held by Beneficiary at the time of the annual accounting thereof shall exceed the amount deemed necessary by Beneficiary to provide for the payment of taxes, assessments, insurance premiums, association, and well charges and assessments and Other Impositions, as they fall due, such excess may be refunded to Trustor following such audit or may be applied by Beneficiary at its option to payments due in the future. If at any time the amount of the Funds held by Beneficiary shall be less than the amount deemed necessary by Beneficiary to pay taxes, assessments, insurance premiums, association, and well charges and assessments and Other Impositions, as they fall due, Trustor shall pay to Beneficiary any amount necessary to make up the deficiency within ten (10) days after written notice from Beneficiary to Trustor requesting payment thereof.

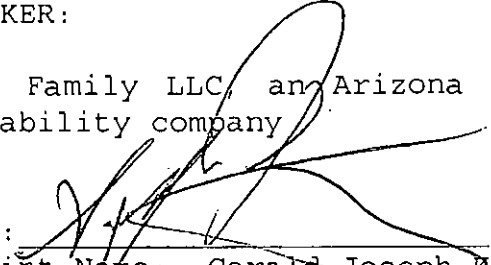
Upon Trustor's breach of any covenant or agreement of Trustor in this Deed of Trust, Beneficiary may apply, in any amount and in any order as Beneficiary shall determine, in Beneficiary's sole discretion, any Funds held by Beneficiary at the time of application (a) to pay taxes, assessments, insurance premiums, association, and well charges and assessments and Other Impositions which then are due, or (b) as a credit against any indebtedness or obligations secured by this Deed of Trust. Upon payment in full of all sums secured by this Deed of Trust, Beneficiary shall promptly refund to Trustor any unapplied Funds held by Beneficiary.

(Signatures for this Deed of Trust and Assignment of Rents
are on the following page)

IN WITNESS WHEREOF, the undersigned Trustor executes this Deed of Trust as of the date first above written.

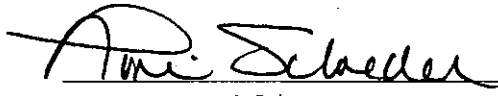
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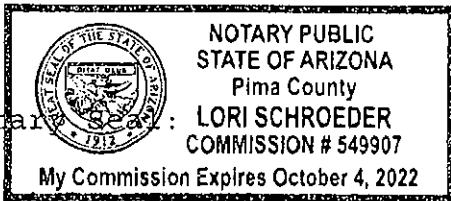
TK Family LLC, an Arizona limited liability company

By: 
Print Name: Gerald Joseph Kertesz
Title: Manager / Member

State of Arizona)
 : ss.
County of Pima)

Subscribed, sworn to, and acknowledged before me this 19th day of September, 2022 by Gerald Joseph Kertesz as the _____ of _____.


Notary Public



Notary Seal:



First American Title

Exhibit A

ISSUED BY

First American Title Insurance Company

File No: 600221860

File No.: 600221860

The Land referred to herein below is situated in the County of Pima, State of Arizona, and is described as follows:

BLOCKS A AND B OF TANQUE VERDE VILLAGE, AS RECORDED IN BOOK 62, PAGE 88 OF MAPS AND PLATS, RECORDS OF PIMA COUNTY, ARIZONA.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule E, Part I-Requirements; Schedule B, Part II-Exceptions.

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SEQUENCE: 20222620762
 No. Pages: 5
 9/19/2022 4:02 PM



GABRIELLA CÁZARES-KELLY, RECORDER
 Recorded By: KAK (e-recording)

RECORDING REQUESTED BY:
 Title Security Agency, LLC
 AND WHEN RECORDED MAIL TO:
 TK Family, LLC an Arizona limited
 liability company
 8400 E Cresthill Drive
 Tucson, AZ 85750

ESCROW NO.: 600-221860-LS
 600-221860-LS

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, I or we;

Scotia JV 2005, LLP, an Arizona limited liability Partnership

do/does hereby convey to

TK Family, LLC an Arizona limited liability company

the following real property situated in Pima County, Arizona:

See Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, against all acts of the Grantor herein, and no other, subject to the matters set forth.

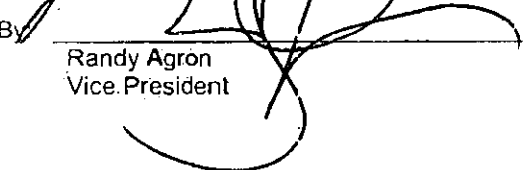
Dated:

Grantor(s):

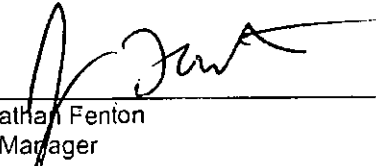
Scotia JV 2005, LLP, an Arizona limited liability Partnership

BY: Scotia Development Partners 2005 LLC., an Arizona limited liability company, General Partner

By: Scotia Group Limited, an Arizona corporation
 Manager

By: 
 Randy Agron
 Vice President

Escrow No.: 600-221860-LS

By: 
Jonathan Fenton
Co-Manager

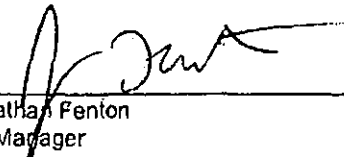
By: Diamond Ventures, Inc., an Arizona corporation
General Partner

By: **EXECUTED IN COUNTERPART**
David Goldstein
President


By: Stamford Consulting, Inc., an Arizona corporation

By: **EXECUTED IN COUNTERPART**
David Goldstein
President


Escrow No.: 600-221860-LS

By: 
Jonathan Fenton
Co-Manager

By: Diamond Ventures, Inc., an Arizona corporation
General Partner

By: 
David Goldstein
President

By: Stamford Consulting, Inc., an Arizona corporation

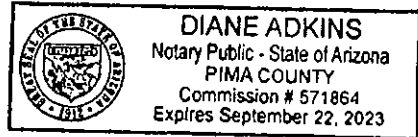
By: 
David Goldstein
President

Escrow No.: 600-221860-LS

State of Arizona)ss:
County of Pima

On this 16th day of September, 2022 before me, **FOR NOTARY SEAL OR STAMP**
The Undersigned Randy Aaron, David Goldstein, Jonathan Fenton
a Notary Public in and for said County and State, personally
appeared

personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument, the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument
WITNESS my hand and official seal.



Notary Public: Diane Adkins
My Commission Expires: September 22, 2023



First American Title

Exhibit A

ISSUED BY

First American Title Insurance Company

File No: 600221860

File No.: 600221860

The Land referred to herein below is situated in the County of Pima, State of Arizona, and is described as follows:

BLOCKS A AND B OF TANQUE VERDE VILLAGE, AS RECORDED IN BOOK 62, PAGE 88 OF MAPS AND PLATS, RECORDS OF PIMA COUNTY, ARIZONA.

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