

BOARD OF ADJUSTMENT
Zoning Administration Division
Planning and Development Services Department (PDSD)
201 North Stone Avenue, Tucson, Arizona 85701

***** NOTICE OF DECISION *****

DATE OF PUBLIC HEARING **October 25, 2023**

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J) & (K).

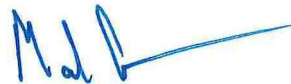
ACTIVITY NO. **T21SA00378**

CASE NO. THE APPELLANT

C10-21-09 TUCSON ELECTRIC POWER - KINO TO DMP 138KV TRANSMISSION LINE PROJECT

Tucson Electric Power (TEP) is appealing the Zoning Administrator's Determination (T21SA00285), issued on August 25, 2021, relating to the City's application of the undergrounding of utilities within a Gateway Corridor Zone. The Zoning Administrator Determination states that the proposed new transmission lines to support the proposed UA North Substation next to Banner Health at the University of Arizona must comply with UDC Article 5.5.4.B.1.a, which states "New utilities for development on private and on public right-of-way along Gateway Routes shall be underground." The appellant contends that the "replacement and improvement of the 46 kV electrical system with the 138 kV transmission system is an upgrade that is expressly permitted by the UDC to remain overhead" and that "the City is prevented by legal doctrines of preemption and estoppel from requiring TEP to underground the upgraded facilities." TEP is requesting reversal of the August 25, 2021 ZAD.

DECISION: UPHOLD THE ZONING ADMINISTRATOR'S DETERMINATION



Mark Castro, Principal Planner

s: zoning administration/ba/decision/2109 ZAD Appeal