

Bryan Sanders  
344 West 35th Street  
Tucson, Arizona 85713  
(520) 891-0610 | bransan@gmail.com

May 15, 2026

The Honorable Dr. Matt Heinz  
Vice Chair, Pima County Board of Supervisors  
Supervisor, District 2  
Pima County Administration Building  
130 West Congress Street, 1st Floor  
Tucson, Arizona 85701

**Re: Supplemental update to my May 5, 2026 memorandum — South Tucson Board of Adjustment Case 25-01 (70-foot Verizon cellular tower variance, 2425 South 10th Avenue). Information for your awareness; no action requested.**

Dear Supervisor Heinz:

Ten days have passed since I delivered the initial memorandum on this matter to your office on May 5, 2026. In that interval the documentary record has developed in several material respects, the Mayor of South Tucson has made on-the-record statements at the May 5, 2026 South Tucson City Council meeting that materially shape the procedural posture of the case, and certain physical conditions on and around the parcel are now documented in dated photographs that accompany this supplemental memorandum as a separate enclosure. **This letter brings those developments to your office's awareness.** It does not ask for any action from you, your office, or the Board of Supervisors. I am writing as a private homeowner who resides within the 300-foot statutory notice radius of the parcel and who has been documenting this matter under the Arizona Public Records Law since February.

**Documented changes between the August 5, 2025 Municode archive of Chapter 24 and the standalone Chapter 24 PDF the City of South Tucson currently publishes on its own server:**

| Category                                | Count     |
|---|-----------|
| Substantively-rewritten sections        | 15        |
| Definition changes                      | 11        |
| Cross-reference breaks                  | 7         |
| <b>Total documented changes</b>         | <b>33</b> |
| Wireless-specific defined terms removed | 10 of 10  |
| Total length reduction                  | -13.2%    |
| Characters removed                      | 51,188    |

## 1. What is new since the May 5 memorandum

**a. Mayor Valenzuela's on-the-record statements (May 5, 2026 South Tucson Council meeting).** After the South Tucson Mayor and Council were briefed on the documented differences between the August 5, 2025 Municode archive of Chapter 24 and the standalone Chapter 24 PDF the City currently publishes on its own server, **Mayor Roxanna Valenzuela stated, on the record:**

*"It doesn't look like we followed a process. It looks like somebody changed the code. Let's get forensics involved. We have to do an internal investigation. I'm worried about the process right now and that we broke the law."*

She separately, in the same meeting, characterized the underlying sequence as **"scandalous, and potentially scandalous."** These are verbatim quotations from the elected Mayor of South Tucson, spoken at a public meeting

in her official capacity, captured on the publicly maintained audio. They are reproduced here as a fair report of public proceedings, not adopted as conclusions.

**b. South Tucson City Attorney's recharacterization.** At the same meeting, City Attorney Jon Paladini stated that *"this was not a setback variance. This was a use permit approval. All cell towers in that zoning require a use permit. The factors to obtain a variance don't apply."* At the original February 25, 2026 BOA hearing, the applicant's own representative described the relief sought as a setback variance. The standalone Chapter 24 PDF the City currently publishes does not contain the textual basis the City Attorney's reframe rests on — § 24-529 (Commercial Wireless Communications), which governed use-permit treatment for wireless facilities, is absent from that PDF.

**c. The Municode situation — what is actually published.** The City of South Tucson's published municipal code is hosted by Municode, the country's largest municipal-code publisher, at *library.municode.com/AZ/south\_tucson*. Documentary research completed on May 15, 2026 captured each chapter of the City Code as published in both versions Municode preserves, normalized each chapter for the single Municode user-interface artifact, and computed SHA-256 cryptographic hashes for each chapter. The results establish, with mathematical certainty: **Chapter 24 (the Zoning Code) is the only chapter that has been completely removed from the live Municode publication.** The seventeen other chapters that appear in both versions are byte-identical between them — no substantive change exists in any of the seventeen surviving chapters between August 5 and November 3, 2025. Chapter 24 is the only chapter that was removed.

**The standalone PDF the City currently publishes is a 1987-era document.** With Chapter 24 removed from Municode, the only document the City of South Tucson currently publishes that purports to be its Zoning Code is a standalone PDF hosted at *southtucsonaz.gov/media/8466*, filename *zoning\_code\_ch024\_2022.pdf*, server *Last-Modified* header dated August 7, 2024. Despite the "2022" implied by the filename, the latest amending ordinance cited in the body of that PDF is Ord. No. 87-04 (1987). The PDF contains **none** of the ten amending ordinances spanning 2005 through 2022 that are present in the August 5, 2025 Municode archive (Ord. Nos. 05-03, 05-04, 05-05, 06-09, 10-03, 13-05, 19-02, 19-15, 22-01, and 22-05). Six entire substantive sections present in the Municode archive are absent from the standalone PDF, including § 24-529 (Commercial Wireless Communications) and § 24-661 (Small Cell Wireless Facilities) — the two sections most directly applicable to the variance approved on February 25, 2026. Thirteen wireless-era defined terms are also absent.

**d. March 3, 2026 email from a private South Tucson resident to a sitting member of the South Tucson Board of Adjustment.** On March 3, 2026 — six days after the February 25, 2026 BOA vote on Case 25-01 — a private South Tucson resident sent an email referencing § 24-387(b)(12) as imposing a 50-foot height limit on cell towers in South Tucson. The recipient was a sitting member of the BOA that voted on Case 25-01. The 50-foot cap is absent from the standalone PDF the City currently publishes. The sender has separately confirmed her recollection in a text-message communication received May 15, 2026, stating that she *"easily found 24-387(12) on the page where the archived version is now,"* that *"Chap 24 was not separated out like it is now on the zoning code page,"* and that *"it was with the rest of the city code."* She separately notes that she does not specifically recall whether the source was a PDF version or the live Municode publication. Her account that Chapter 24 was integrated with the rest of the City Code on or about March 2–3, 2026 — rather than separated out as it now is — supports the conclusion that **Chapter 24 was still present on the live Municode publication after the BOA hearing on Case 25-01**, with the removal occurring within a window that includes the **April 21, 2026 City Council Executive Session** — agenda Item 14, described on the public agenda as *"DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY REGARDING THE ZONING CODE CELL TOWER APPROVAL PROCESS."* The unredacted email and the text-message communication are in my possession; the names of the sender and recipient are withheld here as a matter of privacy and available to your office on request.

**e. Public Records Request status.** Three formal Arizona Public Records Requests under A.R.S. § 39-121 *et seq.* have been filed with the South Tucson City Clerk: PRR #1 on **May 1, 2026** (42 items, items 1–42, covering the BOA 25-01 application file, hearing record, written decision, and underlying zoning record); PRR #2 (Supplemental) on **May 14, 2026** (30 items, items 43–72, targeting the September 4, 2025 P&Z Commission complete record, communications with the code-publishing vendor, the audit logs of the rewritten Chapter 24 PDF, internal City communications relating to the application, and additional materials concerning the April 21, 2026 Executive Session); and PRR #3 (Second Supplemental) on **May 15, 2026** (6 items, items 73–78, targeting the personnel-access records for the City's website and for the Municode publication, including the identity of the City Personnel who uploaded the standalone Chapter 24 PDF and the City Personnel who have or had administrative

access to either system). Date-stamped clerk copies of PRR #1 and PRR #2 are in my possession; PRR #3 is being filed today.

**f. Pima County Regional Flood Control District signed determination.** On May 5, 2026, the Chief Engineer's office of the Pima County Regional Flood Control District (PCRFCDD) signed a written Flood Hazard Information Form for the parcel at 2425 South 10th Avenue (Submission ID *be7b343e-bbd4-412b-b87c-ed596489a9b7*). The signed determination establishes that a portion of the parcel sits in regulatory Local Floodplain (Special Study #107) and Erosion Hazard Area, with a 25-foot setback required from the wash directly to the north under Pima County Code § 16.28.030. The applicant's representative at the February 25, 2026 BOA hearing characterized that same corridor as "*an open space greenbelt parcel.*" The PCRFCDD signed determination contradicts that characterization as a matter of regulatory fact. This is a Pima County document concerning a Pima County regulatory determination.

## 2. Photographic addendum (separate enclosure)

Accompanying this supplemental memorandum is a separate enclosure of dated photographs documenting physical conditions on and around the parcel at 2425 South 10th Avenue. The photographs include:

- **The August 2024 storm and the wash that floods.** Twelve EXIF/GPS-locked photographs documenting the August 2024 flood event in the same wash corridor identified by the PCRFCDD's signed determination as regulatory Local Floodplain. Photographs include views of standing water on the parcel and adjacent rights-of-way, the height of the flood line against surveyed features, and the wash corridor in its post-event condition.
- **The October 12, 2025 second flood event.** Photographs and video documenting a second flood event at the same parcel boundary, fourteen months after the August 2024 incident, demonstrating that the August 2024 event was not an isolated anomaly but represents a recurring hydrologic condition at the parcel.
- **The parcel today.** Recent photographs (April–May 2026) showing the parcel as it currently sits, including the existing Magnum Paving operations on the parcel, the wash corridor along the northern property line that the applicant's representative described as "open space greenbelt," and the residential context within the 300-foot statutory notice radius.
- **The visual environment.** Photographs showing the existing skyline along South 10th Avenue, the residential character of the neighborhood within the protest-zone radius, and the absence of any existing structures approaching the 70-foot height that would result from the BOA's approval.
- **The co-location alternative — same owner.** Photographs of the existing 80-foot lattice tower at 2675 South Santa Cruz Lane (FCC ASR Registration 1325714, Sun State Towers), approximately 0.6 miles west-southwest of the proposed site. Corporate-records research indicates the same corporate entity that owns this existing 80-foot tower is the entity proposing the new 70-foot structure on the BOA-approved parcel. The co-location alternative — which would not have required a variance — was not addressed on the BOA record.

Every photograph in the enclosure is dated, includes EXIF data where applicable, and is sourced to the photographer (myself) with the original digital files available on request. The enclosure is provided for your office's reference; no specific use is requested. If at any future point any of the photographs would be useful to your office or your staff, the originals are available.

## 3. What I am asking — and what I am not asking

**Asked.** That your office be aware of these developments as the documentary record continues to develop, in the same posture as the initial May 5 memorandum: for your awareness and your staff's working knowledge. The District 2 boundary of Pima County and the City of South Tucson overlap entirely; matters of land-use procedure within South Tucson are, by definition, matters in your District.

**Not asked.** Action. Public statement. Direction to County staff. Use of County resources. A response. Nothing in this supplemental memorandum is intended to draw your office, your staff, or Pima County into a dispute that remains squarely within the procedural authority of the City of South Tucson and, as appropriate, the Pima County Superior Court under A.R.S. § 9-462.06(K). No argument is made or implied about radio-frequency emissions or wireless-infrastructure health; those questions are federally preempted under 47 U.S.C. § 332(c)(7) and have no place in this matter.

I remain at your disposal for any clarification, any additional documentation that would be useful, or any meeting your staff considers appropriate. Thank you for the seriousness with which you have treated the initial memorandum and for the time your office has given this matter.

Respectfully,

Bryan Sanders  
344 West 35th Street · Tucson, Arizona 85713  
(520) 891-0610 · bransan@gmail.com

**Enclosure:** Photographic addendum (separate PDF; dated photographs documenting physical conditions on and around the parcel at 2425 South 10th Avenue, including the August 2024 and October 2025 flood events, the parcel today, the visual environment, and the co-location alternative tower). The 12-page Full Zoning Report, the unredacted March 3, 2026 email, and the PCRFCF signed Flood Hazard Information Form are available to your office on request.