

## **Arizona SM Article for February-March 2005**

Hi People: This will most likely be my last article as your ARRL section manager. As of 01 April 2005, Tom Fagan, WB7NXH, takes over as the SM for Arizona. I have been your SM for 12 years and I have enjoyed every minute serving you. During my term we have improved on the emergency communications structure throughout the state, fought two (2) antenna limitation battles (and won both), and set up a working OO program. One of my biggest failures was not getting the state government to help us on CC&R's. We still need to get the state government to provide free license plates for amateur radio operators and help with CC&R's. At this time BPL is our biggest concern because if it goes through then our use of the HF band will be greatly diminished due to the interference that it will cause. Please give Tom your full support as you have done for me.

On 19 February 2005, there will be the first hamfest for this area. It will take place at the county fairgrounds in Yuma, just south of exit three (3) starting about 6:00 AM and ending whenever. An ARCA meeting is scheduled for 11:00AM. I plan to be at this event with all my ARRL material and a few books for sale. Hope to see you there.

ON 12 March 2005, there will be the Scottsdale hamfest at the community college. This will start as usual, O-Dark Thirty (military term for before dawn) and end about 2:00PM. An ARCA meeting is scheduled for 11:00 AM.

I have a planned emergency presentation for the Tri-City ARC in Goodyear on Saturday the 26<sup>th</sup> of February at 11:00 AM. As of this time I have not been given the meeting place, but will advise everyone in time to plan their schedule.

The ARRL website just placed the an article on our battle for antenna restrictions here in Pima county. I will place this article at the end as part of this report. It shows what was done and who was responsible for this win.

I still plan to be active in amateur radio but not as the top ARRL official. I will become an assistant to Tom and try and help him with the transition and any future problems. Again thanks for all your support and help. 73's Clifford Hauser, KD6XH

## 99-Foot Tower Pits Radio Ham vs Neighbors"

By Clifford E. Hauser, KD6XH  
ARRL Arizona Section Manager  
February 1, 2005

---

*This headline appeared in the Arizona Daily Star (Tucson) on June 7, 2003, as front-page news. The article went on to say that Ken Hirschberg, K6HPX, installed this antenna system on 3.3 acres of land after obtaining the proper zoning permit. Ken's victory started our battle.*

---

The article provided comments from a county supervisor who stated: "It affects property value... It affects how peaks and ridges look," and "We need to see if we can establish something to give us some level of control in the future so this does not happen again." After reading this article, I thought, "so what." This antenna system would be the envy of many hams--it looks good and works well. All the publicity will soon go away and nothing else will be said.



If you look closely, you can see Ken Hirschberg, K6HPX, atop the mast of his antenna system.  
(photo by Richard Pierce, N6PKT)

Toward the end of August 2003, I received a call from the Pima County Planning and Zoning Board asking me to be part of a committee to draft a new regulation for Amateur Radio antenna towers. Since I was allowed to appoint two other members of this committee, I chose Bill Jorden, K7KI (who has worked with the county Planning and Zoning Commission previously on other issues), and Ken Hirschberg, K6HPX. The other three members were from the Gates Pass Area Neighbor Association (GPANA), a group based in the area where the controversial antenna system was located.

### A Meeting of the Minds

GPANA is not a neighborhood association in the usual sense. It has no legal jurisdiction but neighborhood residents are very influential. The present Arizona- Pima County code is such that Amateur Radio

antennas of less than 100 feet are not regulated while those over 100 feet must meet commercial standards--including a Type III Commercial construction permit.

A Type III permit requires a person to file with the county Planning and Zoning Board. A hearing is then scheduled at which residents of the affected area have an opportunity to voice their opinion. The county supervisors must approve a zoning change at a public meeting.

The six member committee met for the first time in September 2003, and for the first three meetings GPANA members wanted us to agree to "No towers of any height unless approved by a Type III permit." This was completely unacceptable. We stated that FCC document PRB-1 requires governments to provide for reasonable height and limited restrictions. We submitted documents showing cases from other parts of the country regarding antenna ordinances and court case results. During the fourth meeting, the county attorney stated that our position was correct and the county must allow Amateur Radio operators reasonable antenna height.

The tone of the meeting then changed. After another three meetings, we were able to come to an agreement on several issues relating to safety. The three areas where the committee members did not agree were antenna height, number of towers per lot and setback requirements.

	<i>GPANA Position</i>	<i>Amateur Radio Position</i>
Height:	34 feet maximum	75 feet maximum
Towers per lot:	1 maximum	2 maximum
Setback:	1.5 feet for every foot in height	1 foot for every foot in height

The committee members presented to the county Planning and Zoning Commission a draft of the proposed ordinance change, outlining the areas of agreement and showing the three areas of disagreement. When the final draft of the Planning and Zoning Board became available for public comments and board approval, it contained two positions: the Amateur Radio position and the GPANA position. Politics became very apparent and the Planning and Zoning Board stated that the committee format was just a "recommendation," and they could change/amend any part. We came to the conclusion that this was going to be a political battle and we knew that we were going to need help.

### **Bring in the Lawyers**

At a meeting of the Southern Arizona DX Association, we explained the situation and received immediate help. Mike Zonnefeld, W0LTL, took immediate action and got us in contact with Steve Portal, W7QBG, an attorney who reviewed the Planning and Zoning documentation and recommended an action plan.

He contacted Keri Sylvyn, a specialist in Planning and Zoning. These people saved the day. We started a campaign to raise money for the attorney fees. We explained the situation and outlined the action to be taken to all clubs in the immediate area. Terry Hashman, KC5EGC, took it upon himself to keep the Pima County hams notified of our progress by using local nets, e-mail and Web sites.



K6HPX's 2 el 30 over 2 el 20 full size antenna as it appears from a distance of about 200 feet. (photo by Eric Gustafson, N7CL)

He also helped by campaigning for monetary donations. Over 150 people from almost every club within Pima County and several from other parts of the state contributed to the fund.

We recruited the support of the county Office of Emergency Management, Pima County Sheriff Search and Rescue, Red Cross, Salvation Army, Multiple Sclerosis Society and the Cancer Society. With the support of these organizations, we were able to persuade the Planning and Zoning Commission that to change any portion of the existing ordinance would hurt the Pima County emergency backup communication systems. We made sure the public hearing room was full of Amateur Radio operators (55 hams to 3 GPANA). Board members could see that we were serious about our commitment to the community. One commissioner asked our attorney if she was prepared to file suit against the county related to PRB-1, in the event that a 34 foot height was adopted. She answered that her clients would file such a suit. When the final vote was taken, the commission voted 4-3 to recommend leaving the existing Amateur Radio ordinance unchanged. They also recommended that if the county supervisors were to adopt an ordinance change, it should be the Amateur Radio version of the committee recommendation. Although we barely won this first round, it was merely the warm-up because it was advisory only--the vote was not binding on the county supervisors.

### **The Public Relations Campaign**

Prior to the public hearing and final vote, we visited each supervisor to state our case for no change. We showed each of the supervisors our support for the different organizations, Sheriff Search and Rescue, Office of Emergency Management and Homeland Security, Red Cross, Salvation Army, etc. We explained why we needed high antenna systems and long range communication support for our large county and state. We provided documentation from the management of the Pima County government offices asking that the supervisors not change the existing ordinance. We also provided them documentation showing our actions during the last two fire seasons, and support for the county emergency operations center and countywide hospitals during several of the local floods and Hazard Material spills. We provided documentation showing support of the Mexico earthquakes and the community service we do for the many missionaries around the world. Each supervisor was then presented with a copy of the [ARRL video](#) narrated by Walter Cronkite, KB2GSD.

### **The Final Vote**

On the day of the public meeting, we came prepared. We brought people from the Sheriff Search and Rescue Office, Red Cross, Office of Emergency Management, Salvation Army and MS Society. We had several people ready to talk about any technical issue. We were ready to show our past actions, during the many county emergency conditions over the past several years. We brought documentation showing the safety record for



The support structure at a distance of about 1/2 mile.  
(photo by Eric Gustafson, N7CL)

towers over 75 feet (no known property loss for the last 10 years).

The supervisors heard many comments on why the current ordinance should remain in effect. They asked questions about safety, emergency communications capability and why all county hospitals used Amateur Radio to communicate with the Emergency Operations Center. Several people presented technical reasons for the large antenna system and why height was needed for VHF and UHF line-of-sight operation. We had one person talk about the communications Amateur Radio provided for New York City during its 2001 disaster.

Larry Pace, N7DD, presented the worldwide emergency communication provided by Pima County hams over the last several years. Gail Peterson, N7BXX, explained our involvement with the county Office of Emergency Management and Homeland Security. Tom Fagan, WB7NHX, explained communications support provided to the Salvation Army. The Red Cross Regional Communications Director, Kathelyn Smith, explained that Amateur Radio was the only means of radio communication for all of southeastern Arizona and any change would greatly affect their ability to perform their mandated emergency functions.

One person from GPANA stated that with the new communications technology--cell phones, satellite and microwave communications--Amateur Radio is no longer needed. Another person from GPANA argued that this type of antenna system was not conducive to the Gates Pass Historic Area and should not be allowed anywhere in the county because it lowers property values.

In the end, the county supervisors acknowledged that Amateur Radio provided needed emergency communications for Pima County and any more restrictions would greatly limit this ability. With a vote of 4-1 the existing ordinance (less restrictive than what we were willing to accept) was left standing. This was a big win, not only for Pima County Amateur Radio, but for Amateur Radio in the entire state of Arizona.

### **Lessons Learned**

Many people contributed time, money (total legal cost was over \$7000), and energy putting together presentations as well as a lot of legwork. I hope we do not have to do this again, but if we do, the lessons learned from this fight can be put to use then.

- Do not try to do this alone. This was a political battle, initiated by a very small local neighborhood group of well-connected and influential people. Seek professional guidance when dealing with government regulations. Many regulations are hard to find if you do not know where to look. Make sure you seek assistance from those who use your emergency communications (Red Cross, Salvation Army, etc).
- The county supervisors did not know the extent of our involvement with the county communications people. The Red Cross and Salvation Army stated that

- any restrictions would have a serious effect on their ability to provide mandated emergency service to all of Southeastern Arizona, not just Pima County.
- Make sure you present your case in a professional manner. A bunch of people showing up with hats with their call letters will not do the job. State your case with facts and well prepared reason. They will listen. Remember--these people are your elected officials who are trying to balance the problems and come up with solutions for the entire county, not just a small area or special group.
  - [ARRL Volunteer Counsel](#), amateurs who are also lawyers, can be especially useful. They will provide an initial consultation at no charge. The [VC database](#) is on the ARRLWeb. ARRL sells a comprehensive guide to antenna support structures, [Antenna Zoning for the Radio Amateur](#).

*Clifford Hauser, [KD6XH](#), of Tucson, is ARRL Arizona Section Manager. First licensed in 1970 after serving in Vietnam, he was assigned by the US Army as the IOC of the MARS station in Fort Jackson, South Carolina. He upgraded to Advanced in 1975 and Amateur Extra in 1994. Cliff retired from the US Army as an O-5 (LTC) Signal Corps, in 1997 after 28 years. He was elected Section Manager in 1993, and has held several elected positions in area Amateur Radio clubs.*