



Board of Supervisors Memorandum

P21-14-021

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FOR BOARD OF SUPERVISORS FEBRUARY XX, 2015 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: January 20, 2015

DOCUMENT: P21-14-021

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Blake and Cindy Hughes, on property located at 15450 N. Coronado Forest Drive, in the **GR-1 Zone**, for a conditional use permit for RV Storage, in accordance with Section 18.14.030.B of the Pima County Zoning Code, as a Type II conditional use under other conditional uses. (District 1)

CASE BACKGROUND AND PARTICULARS

The applicant proposes RV (recreational vehicle) storage on a property that previously had a conditional use permit for a construction yard. That use included the outdoor storage of tractor trailers and other commercial vehicles. The prior permit expired after the construction yard use had ceased for more than one (1) year. The surrounding properties can generally be classified as low density rural in nature.

SUMMARY OF THE HEARING ADMINISTRATOR MEETING

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on January 14, 2015. The applicant presented the case to the satisfaction of the hearing administrator and answered his questions as necessary.

One (1) member of the public attended the hearing to speak on the matter. She did not generally object to the request, but did raise concerns that its approval might set a precedent for new and undesirable commercial uses in the area. The Hearing Administrator explained that all

conditional use permit applications were decided on a case-by-case basis, and that any approval granted would be for that particular use only and would be carefully conditioned to protect the surrounding properties.

Prior to the hearing, staff had received phone calls from a small number of neighbors, all of which were informational in nature. One (1) email had had been received, which expressed an objection to the request based on the belief that it would set a harmful commercial precedent.

After hearing all of the above, the Hearing Administrator closed the public hearing.

HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property, and after considering the facts and the testimony presented at the 14 January, 2015 public hearing, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit for RV storage. The applicant is advised that this is a *recommendation* to the Board of Supervisors, who will make the ultimate and final decision on this CUP request.

Should the Board of Supervisors agree with the Hearing Administrator's recommendation for approval, it is suggested that this approval be granted subject to the following standard and special conditions:

Standard Conditions & Requirements per the Pima County Zoning Code

This RV Storage use is considered to be similar in type and intensity to other conditional uses allowed under the GR-1 zoning district. No particular or specific Code requirements apply to RV Storage. The *Special Conditions* below have been crafted to address the particular needs of this property and its surrounding context.

Special Conditions

1. This conditional use permit is for RV (recreational vehicle) Storage only. No other commercial uses are approved for the site.
2. The following are expressly not allowed: 1) RV set-ups; 2) RV hook-up; 3) use of the units for overnight stays; and 4) use of the units for any form of occupancy.
3. This conditional use permit shall apply to this particular owner only. In the event that the current owner/applicant sells the property, this conditional use permit shall expire.
4. The RV Storage shall be allowed on the rear portion of the property only, as shown on the applicant's sketch plan and as discernible on the current aerial photography.
5. The maximum number of RV's stored on the property at any one time is twenty-five (25).
6. Owners of the stored RV's will be allowed access to their unit only during daylight hours.
7. Additional trees or shrubs will be planted along the east property line so as to create an essentially continuous visual screen within two (2) years. The trees or shrubs will be irrigated for the first two (2) years after planting to insure their establishment.

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.

The Pima County Comprehensive Plan designates this site as *Low Intensity Rural (LIR)*, the purpose of which is to provide, “areas for low density rural residential development and related uses.”

It is the Hearing Administrator’s finding that the proposed RV storage use is not an inappropriate one within the surrounding context or the *LIR* District. The surrounding area, while clearly rural residential in nature, also has other complementary non-residential uses in place that co-exist well with the existing residences. For example, the subject property’s proposed RV storage area would abut a large equestrian riding ring. With these circumstances in mind, the proposed use if found to not be in conflict with the objectives of the *Comprehensive Plan*.

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.

It is the Hearing Administrator’s position that the proposed conditional use, if conducted in conformance with the *Special Conditions* prescribed above, will appropriately and satisfactorily safeguard all adjacent properties.

3. It has adequate accessibility to the County road network.

The site has direct access to N. Coronado Forest Drive, which is a paved, public street that has direct access to Hawser Street. Given the small amount of traffic that is generated by RV Storage and the fact that it is not traffic of a daily, or even regular, “coming-and-going” nature, 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.

Required parking, if any, shall be addressed 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.

It is the Hearing Administrator’s finding that the proposed use poses no significant public threat in any of the above ways. While dust may have been a concern, the lack of daily incoming and outgoing traffic even makes this item a minor concern.

6. **Hours of operation will not be detrimental to adjoining residents.**

Hours of operation are addressed in the *Special Conditions*, with the owners of stored RV’s being allowed access to them only during daylight hours.

7. **Landscaping will be fully in conformance with zoning code regulations.**

Additional landscaping has been required by the recommended *Special Conditions*.

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:

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

The subject site is located within an area that is **OUTSIDE OF** the SDCP’s Biologically-Preferred Reserve System and is therefore outside of the Maeveen Marie Behan Conservation Lands System (MMB-CLS).

Staff Commentary on Biological Impacts

Staff has reviewed this application and finds that: 1) its approval is not expected to affect any resources essential to Pima County’s biological conservation priorities; and 2) that it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update.

The site in question was previously used as a construction yard. The area to be used for RV storage has already been largely disturbed by this past activity.

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. The subject property is located within an area that is not designated as former critical habitat or draft recovery area. It is within Survey Zone 2. This site is not located within the Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is located within a general area designated as having low quality habitat potential for the Western Burrowing Owl. It is not within the Priority Conservation Area for this species.

Pima Pineapple Cactus. The subject property is located within a general area outside of the known range for the Pima Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is located within an area that is designated as having low potential for the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION & FLOOD CONTROL RECOMMENDATION:

The Department of Transportation and the Regional Flood Control District will review the project, if necessary, during the permitting process.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Arlan Colton, Planning Official
Carmine DeBonis, Chief Zoning Inspector
Blake and Cindy Hughes, Owners & Applicants



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FOR BOARD OF SUPERVISORS MARCH 17, 2015 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: February, 2015

DOCUMENT: P21-14-022

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Avalon Solar, LLC (c/o Clenera, LLC, on property located at 915 E. Pima Mine Road (multiple tax codes), in the RH & GR-1 Zones, for a conditional use permit for an Expansion of a Solar Farm (a.k.a. Solar Power Plant). Chapter 18.97, in accordance with Sections 18.13.030B35 & 18.14.030B22 of the Pima County Zoning Code, allows a Solar Farm as a Type II conditional use in the RH and GR-1 zones. (District 2)

SUMMARY OF THE HEARING ADMINISTRATOR PUBLIC HEARING

This application is for an expansion of the solar farm (solar power plant) that was originally approved and construction under prior conditional use permit Case No. P21-13-023 approved by the Board of Supervisors on November 12, 2013. Specifically, the expansion would add a 21.5 megawatt photovoltaic (PV) power facility to the existing 35-megawatt facility.

SUMMARY OF THE HEARING ADMINISTRATOR PUBLIC HEARING

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on January 29, 2015. The applicant (on behalf of the property owner and Avalon Solar Partners, LLC) presented the case to the Hearing Administrator and addressed his various questions.

No (0) members of the public attended the hearing to speak on the application.

Staff indicated that it had received three) telephone inquiries on the case prior to the public hearing, all of which were informational in nature.

After hearing all of the above and completing his dialogue with the applicant, the Hearing Administrator closed the public hearing.

HEARING ADMINISTRATOR’S RECOMMENDATION

After having visited the subject property, and after considering the facts and the testimony presented at the January 29, 2015 public hearing, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit for an **expansion to a solar farm (a.k.a. solar power plant)**. The applicant is advised that this is a *recommendation* to the Board of Supervisors, who will make the ultimate and final decision on this CUP request.

Should the Board of Supervisors agree with the Hearing Administrator’s recommendation for approval, it is suggested that this approval be granted subject to the following standard and special conditions, which are fully reflective of those approved by the Board in conjunction with the prior/original conditional use permit case on this property (Case No. P21-13-023):

Standard Conditions per the Pima County Zoning Code

1. Receive an approved Type II conditional use permit.
2. Receive an approved Development Plan.

Special Conditions

1. This conditional use permit approval is for a solar farm (solar power plant) and its ancillary/support activities only, the type and character of which are depicted on the submitted development plan (DP). No other uses of a commercial nature are permitted.
2. The development of the property shall proceed in general conformance with the site layout and improvements as shown on the submitted DP.
3. The maximum height of the solar panels shall be no more than nine feet (9’).
4. Barbed wire, as shown on the security fencing depicted in the submitted development plan, is not permitted under the Zoning Code. The applicant will either eliminate the barbed wire or shall pursue approval of a variance from the Board of Adjustment.
5. The entry drive from the solar panel field to Pima Mine Road shall be treated with a suitable dust-control measure such as gravel, a surface palliative treatment, or conventional asphalt paving. The applicant shall coordinate appropriately (prior to, or during, the formal Development Plan review process) with the Central Arizona Project (CAP) so as to insure that CAP retains suitable access for conducting all required monitoring activities in accordance with its Arizona Department of Water Resources (ADWR) permit.
6. Access is approved off of Pima Mine Road at the same location that the Central Arizona Project (CAP) currently accesses the Pima Mine Recharge Facility. In the future, should Pima County develop the Sonoran Corridor, alternative access may be required if determined by DOT. In such case, the applicant will work with Pima County Department of Transportation and ASARCO LLC (the landowner) to provide an alternate access.

7. The utility poles that will service the solar farm, from the solar farm project substation to the southern boundary of the ASARCO LLC property at Pima Mine Rd., shall be spaced generally following the existing 138kv line located approximately 50 feet west of the western ASARCO LLC property line.

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.**

The Pima County Comprehensive Plan designates the majority of the site as *Medium Intensity Rural (MIR)*, the expressed purpose of which is, “to designate areas for residential uses at densities consistent with rural settlements in close proximity to Rural Activity Centers. A small portion of the site falls into the *Resource Transition (RT)* category, which generally includes areas that are considered environmentally sensitive for either their own on-site resources or their proximity to public preserves.

The site’s RH zoning is consistent with those districts allowed under the *MIR* and *RT* designations. This is an essentially rural area. Beyond the immediate context are some scattered non-residential uses, such as the Farmers Investment Cooperative’s (FICO’s) pecan groves further to the south, tribal lands to the immediate west, and small industrial uses (a manufacturing interest and a Unisource Energy site) to the southwest. A mile to the west/southwest is the Rancho Sahuarita masterplanned development.

The previously-approved and constructed solar power plant has been in operation for some time now and has co-existed well with its surroundings. There is no reason to believe that the expanded facility will not do the same. The solar farm expansion is setback significantly from both Pima Mine Road and S. Nogales Highway.

If approved and developed in accordance with the *Special Conditions* recommended above, the Hearing Administrator finds that it will not be in conflict with the objectives of the Comprehensive Plan nor with any of the surrounding properties.

- 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 immediately surrounding properties are rural in nature and either vacant or comprised of non-residential uses. It is the Hearing Administrator’s position that the *Special Conditions* recommended above provide for the safeguards necessary to protect the adjacent properties.

3. It has adequate accessibility to the County road network.

The site will take direct vehicular access off of E. Pima Mine Road, which is a designated “major route” on the Pima County Major Streets and Routes Plan. Access is found to be adequate, especially in light of the fact that this is a low-intensity operation that will generate very little ongoing vehicular traffic.

4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.

Parking and loading requirements will be verified during the Development Plan review and approval process.

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.

None of the above issues pertain to this request and the solar farm in question is not anticipated to cause any of the above nuisances to the surrounding properties.

6. Hours of operation will not be detrimental to adjoining residents.

Hours of operation are not considered to present a problem to any of the surrounding residential properties. This facility will be manned on a 24-hour basis for security purposes only and has only a small daytime staff for normal operations.

7. Landscaping will be fully in conformance with zoning code regulations.

Landscaping and screening requirements will be verified during the Development Plan review and approval process.

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:

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

The subject site is located **OUTSIDE OF** the Maeveen Maria 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, as well as staff commentary on biological resources and development impacts of the subject site and proposal.

Staff Commentary on Biological Impacts

This application proposes expansion of the existing solar power plant on property that has little to no vegetative cover or significant specimens. No significant vegetation or desert specimens will be disturbed with the approval of this application, in that the area in questions largely contains only scrub vegetation. Staff has reviewed this application and finds that: 1) approval of the application is not expected to affect any resources essential to Pima County’s biological conservation priorities; and 2) it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update.

Sonoran Desert Conservation Plan (SDCP) Facts Confirmed Per Pima County GIS

Per the Pima County Geographic Information System (GIS) and the Sonoran Desert Conservation Plan maps contained therein, the following facts are hereby confirmed pertaining to this Conditional Use Permit application:

1. **Cactus ferruginous Pygmy Owl.** The site is not within the former critical habitat nor the USFWS draft recovery area. It is located within Survey Zone 2 and is not within a Priority Conservation Area (PCA) for this species.
2. **Western Burrowing Owl.** The site is within the Priority Conservation Area (PCA) for the Western Burrowing owl.
3. **Pima Pineapple Cactus.** The site is within the Priority Conservation Area (PCA) for the Pima Pineapple Cactus.
4. **Needle-Spined Pineapple Cactus.** The site is outside of the known range for the Needle-Spined Pineapple Cactus and is not within the Priority Conservation Area (PCA) for the species.

**DEPARTMENT OF TRANSPORTATION, REGIONAL FLOOD CONTROL DISTRICT
RECOMMENDATIONS:**

The Department of Transportation and the Regional Flood Control District have reviewed this and the initial solar farm project; neither objects to this request. PCDOT and PCRFCDD staff will review, as necessary, the amended Development Plan being filed for the expansion.

attachments

cc: Carmine DeBonis, Director, Development Services
Arlan Colton, Planning Official
Carmine DeBonis, Chief Zoning Inspector
Yves Khawan, Chief Building Official
Asarco, Inc., Property Owner
Clenera, LLC, c/o Keith Holst, Applicant