



**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

November 13, 2017

Page 1 of 4

**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P17CU00012  
PARKER — W. DOGTOWN ROAD  
Type I Conditional Use – Ultralight Airstrip**

**Background & Authority**

Chapter 18.97, in accordance with Section 18.57.050.C of the Pima County Zoning Code, requires a Type I conditional use permit (CUP) for an ultralight airstrip on property zoned RH (Rural Homestead). This particular request is made by the property owner, Mr. Richard Parker. Mr. Parker proposes to construct an approximately seven hundred foot (700') long dirt airstrip from which to operate his ultralight aircraft for private, hobby-related purposes.

**Particulars of the Request**

The property in question is rural in nature. Unsubdivided private properties (some with occupied residences, some vacant) surround the immediate property. Beyond this immediate context, there are expansive public holdings in the ownership of the United States of America (USA) and managed by the Bureau of Land Management (BLM).

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on November 8, 2017. The applicant addressed the Hearing Administrator, made a brief presentation, and answered the Administrator's questions. Eight (8) members of the public appeared at the hearing, five (5) of whom chose to speak on the matter.

Issues of concern raised by members of the public included: 1) private deed restrictions that limit each property to one residence; 2) the potential negative impact on land values; 3) take-off and landing approaches occurring directly over adjacent residential properties; 4) the potential for a crash on adjacent properties and

associated liability; 5) wind conditions; 6) the potential for large gatherings of pilots at organized special events; and 7) the impacts of the proposed use on the peace & quite and general lifestyle of the area.

Staff indicated that it had received one (1) informational phone call on the application, as well as one (1) visit from a neighbor to the Department's offices to review the materials in the case file.

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

### **Hearing Administrator's Comments**

Substantial public testimony was heard on this case at the November 8, 2017 public hearing. All of it was presented in a professional and well-spoken manner by those neighbors in attendance. The issues raised in objection or concern were the reasonable considerations of property owners interested in protecting their present lifestyle and the general peace and quiet of their rural surroundings.

The Hearing Administrator respects these considerations and, at the same time, is certain the proposed use can occur on the subject property with little or no material or substantive negative impact upon the rural character of the area or upon the lifestyle of its residents. This position is founded on the notion that a series of special conditions are warranted to ensure that the proposed ultralight flight activity is conducted in a manner which respects the rural setting and the residents who already live there. These special conditions are found below within this Decision.

### **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 Comprehensive Plan designates the subject site as *Low Intensity Rural (LIR)*, the purpose of which is to, "designate areas for low-density residential and other compatible uses."

Many non-residential uses have been approved in *LIR* districts in the past and have proven to coexist peacefully with residential neighbors and to not impinge upon their rural residential lifestyle. These include private schools, childcare centers, community service agencies, animal rescue shelters, commercial kennels, and communications towers. Such non-residential uses can effectively integrate into rural settings as long as appropriate safeguards and special conditions are put in place to address their operations and potential impacts.

In the present case, the decidedly rural nature of the setting must be respected. At the same time, the proposed use is a purely private one that is, for all intents and purposes, a personal hobby that will be undertaken only occasionally and not be an on-going business-related or commercial venture. For these reasons, the Hearing Administrator finds the proposed use to not be inherently in conflict with the stated goals of the Comprehensive Plan as long as appropriate special conditions are stipulated.

**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 use does not negatively impact the surrounding property owners' ability to utilize their respective properties for their legally permitted uses.

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

The property has access via a dirt road only and must make appropriate arrangements with the Bureau of Land Management (BLM) in order to use it. Access is found to be adequate due simply to the fact that the proposed use will generate no more traffic than that attendant to an occupied residence.

**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 always 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.**

With respect to the above, the proposed use's impact relates to flights occurring over neighboring properties at an altitude that would generate objectionable noise or otherwise interfere with routine residential activities. Special Conditions have been proposed to address same.

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

Hours of operation are essentially limited to daylight hours. A proposed Special Condition reinforces this requirement.

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

Landscaping requirements, if any, are a matter always verified at the time of permitting.

**Hearing Administrator's Decision**

This application for a Type I conditional use permit for an ultralight airstrip, on property zoned RH, is hereby **approved** by the Hearing Administrator, subject to the following:

**Standard Conditions**

The Pima County Zoning Code allows the proposed use (an ultralight airstrip) within the RH zone, subject to the Type I conditional use permit process.

**Special Conditions**

- 1) This conditional use permit is for a private ultralight airstrip and its appurtenant activities only (including a structure(s) for tying down or storing the aircraft and related items on the site).
- 2) No other non-residential or commercial use is approved or implied for the property, and approval of this conditional use permit shall not be misconstrued as any sort of precedent for other commercial uses.

- 3) This ultralight airstrip is for the private, personal use of the property owner only, and only for the pursuit of his personal hobby in flying his ultralight aircraft.
- 4) No group gatherings or special events with other pilots and/or their aircrafts are permitted.
- 5) A site plan for the airstrip and attendant improvements will be submitted to the Development Services Department at the time of permitting and development and shall be in accordance with Section 18.57.040.B.3.c of the Pima County Zoning Code.
- 6) Hours of flight are limited to daylight hours only as defined and regulated for this ultralight aircraft by the Federal Aviation Administration.
- 7) The anticipated frequency of flights shall be in accordance with the applicant's testimony at public hearing, i.e. on Sundays for the most part, but with the potential for some flights during the week as his work schedule may permit.
- 8) Take-offs and landings from the property shall proceed to and from the north only. This is consistent with the applicant's testimony at public hearing, wherein he indicated that this approach/departure was feasible from the proposed east-west airstrip. The applicant shall make every reasonable effort to gain (or maintain) as much altitude as possible before leaving (or entering) his property's airspace.
- 9) Once fully airborne, a minimum altitude of five hundred feet (500') shall be maintained over all occupied residential properties.

#### **Protest Period and Appeal Procedures**

As is the case with all Type I conditional use permit applications, this decision is subject to a statutory 30-day protest period from the date of this decision. If a valid protest is received within the 30-day period from a property owner within the formal notification area, an appeal hearing will be scheduled before the Board of Supervisors, who shall then make the final decision on this conditional use permit.

Any party interested in filing an appeal should contact Mr. Artemio Hoyos, Senior Planner & Conditional Use Permit Coordinator, at phone number 724.9000. Please be advised that filing fees apply to any appeal, and that these fees are payable by the party filing the appeal request.

Respectfully Submitted:



---

Jim Portner  
Pima County Hearing Administrator

November 13, 2017  
Date