



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

**P18CU00008
RENDON — W. HARDSCRABBLE ROAD
Type I Conditional Use – Campground**

Background & Authority

Chapter 18.97, in accordance with Section 18.13.030.B of the Pima County Zoning Code, requires a Type I conditional use permit (CUP) for a campground (considered an "other use which is similar in type, scale, and intensity as other listed conditional uses") on property zoned RH (Rural Homestead).

Particulars of the Request

This particular request pertains to an existing primitive campground that is the subject of a separate zoning violation case. The CUP is requested to address this violation and to provide the proper entitlement framework for the continued operation of the campground going forward.

The property in question is remote and rural in nature. Unsubdivided private properties (some with occupied residences, some vacant) surround the immediate property. Beyond this immediate context, there are also significant holdings of public land.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on August 8, 2018. The applicant made a brief presentation, answered the Hearing Administrator's questions, and engaged in a lengthy discussion with the Administrator and the Chief Zoning Inspector. The discussion centered around the overall number of camping spaces that would be allowed on the property and the manner in which they would be regulated by Pima County.

Seven (7) members of the public appeared at the hearing, two (2) of whom chose to speak on the matter. Both of the speakers expressed their strong support of the request. By a show of hands, all members of the public in attendance also voiced their unanimous support of approval.

Staff indicated that it had received one (1) phone call on the case prior to the public hearing, this individual expressing some concerns with respect to traffic and noise potential. Staff also indicated that an online survey, with more than 1,400 signatures of support, had also been submitted by the applicant.

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

Following the public hearing, a letter (email) in opposition was received on 9 August from the neighbor located to the immediate/adjacent west of the subject property. The neighbor indicated that the western portion of the subject site (i.e. that which is labeled as “future campground development” on the submitted site plan) is commonly used for the storage of recreational vehicles and trailers and other related activities.

Hearing Administrator’s Comments

The objective of the decision rendered in this case is two-fold: 1) it is intended to allow the applicant to continue the operation of their campground in a manner that allows for some measure of flexibility, growth, and responsiveness to market demand; and 2) establishes a clear regulatory framework that is fair and reasonable and which limits the size of the campground and its operation to something that is appropriate for its established context. Special Conditions of approval have been crafted with this balance in mind.

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 in light of the campground’s potential for future growth. At the same time, the proposed use is one that has been operating, to one extent or another, for some time, and has been generally accepted by the surrounding community. For these reasons, the Hearing Administrator finds the proposed use is not inherently in conflict with the stated goals of the Comprehensive Plan, as long as appropriate special conditions are stipulated and adhered to by the owner in the operation of the campground.

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, as long as it is operated in accordance with the Special Conditions stipulated herein.

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

The property has access via a dirt road only. Access is found to be adequate due simply to the fact that the proposed use is a minimal traffic generator. The surrounding road system, while unpaved, has satisfactorily served the surrounding rural properties, including the subject one.

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 will be verified at the time of site plan review and 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.

The proposed use will not impact the surrounding residential properties in any of the above ways, nor otherwise interfere with their routine residential activities. Special Conditions have been proposed to ensure the proper size and intensity of the campground going forward.

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

Hours of operation are generally around-the-clock, given that this is a campground. A proposed Special Condition reinforces the notion that night-time noise generation must be controlled.

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

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

Hearing Administrator's Decision

This modified application for a Type I conditional use permit for a campground, on property zoned RH, is hereby **approved** by the Hearing Administrator, subject to the following standard and special conditions:

Standard Conditions

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

Special Conditions

1. The campground is limited to a total of 35 spaces. Any desired expansion of the campground by the applicant beyond thirty-five (35) spaces may, at the sole discretion of the DSD Director, require a new CUP, public notice, and public hearing.
2. No formal Development Plan shall be required. The Chief Zoning Inspector and Development Services Director are tasked with reviewing site plans for the campsites and for any related permits necessary to ensure compliance with all applicable codes.

3. The site plan submitted in conjunction with this CUP application is understood to be conceptual in nature. The ultimate location and arrangement of the allowed thirty-five spaces is permitted to vary, with the understanding that they will be located outside of the area designated as “Future Campground Development” on the submitted site plan.
4. The access drive to the campground office shall be improved to limit dust generation with a treatment that is acceptable to Development Services. Remaining areas shall be left natural to preserve a rustic campground like environment.
5. The following uses are expressly prohibited: 1) the storage of recreational vehicles (RV) and/ or RV-trailers; and 2) long-term RV camping. In the event that an RV or RV-trailer uses one of the permitted campsites, no operation of private generators is allowed after sundown. Generators may be used only during daylight hours. It is the expectation of the Hearing Administrator that all use of the property for camping shall be in accordance with the applicant’s testimony at public hearing, specifically that the camping here will be primitive and low-impact in nature.
6. Related uses to serve the campground, such as a dump station, porta-potties or community bathrooms, and potable water service shall be reviewed and approved by the appropriate departments and shall not, by themselves alone, require a new conditional use permit application. Such improvements shall be coordinated with the Chief Zoning Inspector and/or Development Services Director to determine the particular reviewing departments and regulatory agencies that must be engaged.

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. Tom Drzazgowski, Chief Zoning Inspector, at phone number 724.6675. 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

August 13, 2018
Date