



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

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May 11, 2018

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P17CU00012**

**PARKER — W. DOGTOWN ROAD (Revised Application)**

**Second Decision Based Upon a Supplemental Request from the Applicant**

**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).

**Particulars of the Request**

This particular request is the second one made by the same property owner (Mr. Richard Parker) on the same property. Mr. Parker originally received approval on November 13, 2017 for an approximately seven hundred foot (700') long dirt airstrip to operate his ultralight aircraft for private, hobby-related purposes. Since then, he has determined that construction of the originally proposed airstrip was not feasible due to grading limitations and associated costs. The present conditional use permit request is for a realigned airstrip configuration on the same property.

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 May 9, 2018. The applicant addressed the Hearing Administrator, made a brief presentation, and answered the Administrator's questions.

One (1) member of the public appeared at the hearing and chose to speak on the matter. He indicated that he was attending to learn more about the request since he had only received the Pima County notice of hearing in the mail and was not aware of any details of the request. The applicant presented a conceptual site plan showing the proposed realigned runway, which would now be oriented in northwest-to-southeast fashion, whereas the original alignment had paralleled the property's south boundary. The attending member of the public indicated that he had no objection to the new alignment, since his property was located to the immediate west and would now no longer be impacted by incoming and outgoing flights.

Staff indicated that it had received no (0) phone calls or public comment on the case prior to the public hearing.

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

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

It should be noted that substantial neighbor testimony was heard at the original public hearing on this case back on November 8, 2017. 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 believes that the set of special conditions imposed upon the original approval are still warranted to ensure that the proposed ultralight activity is conducted in a manner that respects the residents who already live there. These special conditions are stipulated below in the "Hearing Administrator's Decision" section.

### **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 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.**

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 site plan review and permitting.

**Hearing Administrator's Decision**

This modified 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 and special conditions:

**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. The site plan and realigned airstrip shall be in conformance with that as submitted with this modified conditional use permit application and as presented at the May 9, 2018 public hearing before the Hearing Administrator. The site plan process shall demonstrate the applicant's compliance with all requirements of the Hillside Development Zone (HDZ) and the Conservation Lands System (CLS).
- 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 the original public hearing of November 8, 2017, 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 initiate primarily from the northwest. This is consistent with the applicant's testimony at public hearing, wherein he suggested that this approach/departure was the most appropriate for the newly aligned (northwest-to-southeast) 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 (520) 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

May 11, 2018  
Date