



MEMORANDUM

PUBLIC HEARING – August 14, 2019

DATE: August 7, 2019

TO: Jim Portner, AICP, Hearing Administrator

FROM: Nick Coussoulis, Senior Planner

SUBJECT: **P19CU00010 EQUINE VOICES RESCUE & SANCTUARY, ET AL – W. DOVE WAY**
(Equine Voices Rescue & Sanctuary / Karen Pomroy - Owner)
(Adalberto Villaescusa – Applicant)
Type I Conditional Use – Animal Rescue & Sanctuary Facility

LOCATION:

The subject site, (1540, 1600, & 1624 W. Dove Way) is located approximately one mile east of S. Canoa Drive on the north side of Dove Way. The closest major intersection is roughly 2 miles away, at west Elephant Head Road and Interstate 19. The properties are approximately 15.12 acres consisting of three parcels and are zoned RH (Rural Homestead).

SURROUNDING LAND USE OR CONTEXT:

Zoning in the immediate vicinity is all predominantly RH. There is a large amount of rural residential property in the area - some undeveloped and some developed. Most of the land consists of large 5 to 10 acre properties. To the north is developed rural residential property. To the south approximately 1-1/2 miles, is the Santa Cruz County boundary line along with the Agua Caliente Canyon wash with a few developed rural residential property. To the west is more rural property. To the east is lots of rural and vacant State land.

PUBLIC COMMENT:

Two public comments requesting further information have been received as well as five letters of opposition and one letter of support. Four of the five letters of opposition are within 1000 feet of the proposed Conditional use Permit, however none are directly adjacent to the parcel. Staff is also aware of one neighbor who has submitted a code complaint, complaint number P19CI00446, through Department of Environmental Quality prior to the submittal for this conditional use.

PREVIOUS CASES ON PROPERTY:

There have been no previous conditional use permits on this parcel.

BACKGROUND INFORMATION

The proposed Type I Conditional Use Permit for an animal rescue & sanctuary facility will be located on the three parcels as shown in the site plan submitted. The applicant is applying for a conditional use permit in order to rescue equines from neglect, abuse, abandonment, illegal drug trade, and the premarin industry and slaughter. Their mission is to empower individuals and volunteers to learn about these horrific industries through education. Currently the operation is

home to sixty-four (64) equines: fifty-six (56) horses and eight (8) burros. Equine Voices has been in operation since 2004, functioning as a 501c (3) non-profit organization beginning in 2005. Since their beginnings, they have rescued over 1,200 horses and as a volunteer driven organization share them with all who wish to spend their time, energy and resources to employ successful educational, sponsorship, and volunteer programs. Aerial investigation shows that a few of the horse corrals and other significant structures have existed on the property since as far back as 2002. Equine Voices is the only equine rescue facility in Arizona to have the Global Federation of Animal Sanctuaries (GFAS) accreditation. The request before the Hearing Administrator is to permit what is existing, no new expansion is proposed as part of this request.

DEVELOPMENT SERVICES COMMENTS:

This is a Type I Conditional Use Permit for an animal rescue & sanctuary facility in RH zoning. Animal rescue and sanctuary facilities within RH zoning, are subject to Section 18.09.020(N) of the Pima County Zoning Code.

Development requirements are as follows:

- A site plan clearly depicting how development standards are met
- All animal housing and containment
- Setback distances
- Animal waste and handling
- Any screening and/or buffering from adjacent properties

A development plan is not required for the Type I conditional use permit. The applicant is required to provide the following information for the hearing administrator to find sufficient:

- Type and number of animals proposed
- Any known space requirements and care standards
- Possession of or plans to acquire accreditation/certification
- A disposal plan for animal waste
- Size of the property
- Existing land uses within the immediate area
- Potential impacts to the surrounding area
- Procedures and measures to mitigate potential impacts
- Information about other land uses on the property
- Any other information the hearing administrator determines necessary.

The applicant has provided a site plan along with additional submittal material in their application that substantially demonstrates and answers all the aforementioned development requirements and information. Staff finds their submittal material sufficient in meeting the development requirement criteria.

Eligibility requirement of the Applicant:

- Any person who has been convicted of animal abuse, cruelty, neglect or abandonment, whether as a misdemeanor or felony, is prohibited from owning or operating an animal rescue and sanctuary facility.
- To demonstrate eligibility, owners and operators must submit a notarized affidavit certifying that they have no misdemeanor or felony convictions for animal abuse, cruelty, neglect or abandonment.

Change of Ownership or Operation:

- A Conditional Use permit or development plan approval for an animal rescue and sanctuary facility shall continue to be valid upon a change of ownership or operation provided the new owners and operators successfully demonstrate that they meet the eligibility requirements of subsection 18.09.020(N)(3). Prior to continuing the use of the premises as an animal

rescue and sanctuary facility, the new owners and operators must provide a notarized affidavit to the chief zoning inspector certifying that they have no misdemeanor or felony convictions for animal abuse, cruelty, neglect, or abandonment. If a new owner or operator does not meet the eligibility requirements of subsection 18.09.020(N)(3), the conditional use permit or development plan approval for the Animal Rescue and Sanctuary shall become null and void.

The existing site is within the Maeveen Marie Behan Conservation Land System (CLS), Biological Core Management Areas. When applied to the development of land subject to county or Flood Control District authority, CLS designations and guidelines are only applied to Type II and Type III Conditional Use permit requests.

DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL DISTRICT

Any comments received from The Department of Transportation and the Flood Control District will be provided prior to the hearing.

CULTURAL RESOURCES

The Office of Cultural Resources had no comments.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** subject to conditions as follows:

1. Adherence to the approved site plan.
2. Adherence to the approved number of animals.
3. No expansion or modification of the type I CUP is permitted without a revised Type I Conditional Use Permit.
4. No encroachment or construction toward the west property line of the site.
5. The applicant shall record the Conditional Use Permit with the County Recorder.
6. Prior to the issuance of the Conditional Use Permit, a notarized affidavit claiming eligibility per Section 18.09.020(N)(3) is required.
7. Any change of ownership shall require the new owners and operators to adhere to Section 18.09.020(N)(5).

c: Tom Drzazgowski – Chief Zoning Inspector
Karen Pomroy - Owner/Operator
Adalberto Villaescusa - Applicant