



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

**P19CU00012
MILLAR - E. KATER ROAD
Type I Conditional Use – Campground**

Background & Authority

Chapter 18.97, in accordance with Section 18.14.030.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 GR-1 (General Rural).

Particulars of the Request

This particular request pertains to a proposed campground on property that had accommodated this same use in the past when it was part of larger facility. The subject property was subsequently split off from the large site. The applicant wishes to once again use the property for campground purposes, providing a combination of primitive sites together with some that are improved with utility hook-ups. The property is located near State Highways 85 & 86 in Why, Arizona and so is well situated for such a use.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on December 11, 2019. The applicant made a brief presentation, answered the Hearing Administrator's questions, and then engaged in a discussion with the Administrator and the Chief Zoning Inspector regarding particulars of the proposed campground. The discussion centered largely around the respective number of primitive versus improved camping spaces that would be provided.

No (0) members of the public appeared at the hearing. Staff indicated that it had received two (2) informational phone calls on the case prior to the public hearing, as well as numerous letters from surrounding property owners expressing their support for the applicant and the intended campground.

After hearing all of the above, the Hearing Administrator verbally rendered his decision to approve the request, subject to special conditions, and then closed the public hearing.

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 *Rural Crossroads (RX)*, the purpose of which is to, “designate mixed-use areas where basic goods and services are provided to rural settlements and to rural residents as conveniently as possible.”

In the present case, the proposed use is well-suited in its location, meets an existing demand, and is found to be wholly consistent with the goals and purpose of the *Rural Crossroads (RX)* designation. For these reasons, the Hearing Administrator finds the proposed use is not in conflict with the stated goals of the Comprehensive Plan. Appropriate special conditions have been crafted to ensure the operation of the campground accords with this finding going forward.

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 an easement only. Access is found to be adequate, however, due simply to the fact that: 1) the site is in close proximity to State Highway 85; and 2) on a day-to-day basis, the proposed use is a minimal traffic generator.

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 during the review of the required Type I Grading Permit.

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 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. However, the nature of this particular use is found to not be detrimental to the adjoining properties.

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

Landscaping requirements, if any, are a matter that will be verified with the review of the required Type I Grading Permit.

Hearing Administrator’s Decision

This modified application for a Type I conditional use permit for a campground, on property zoned GR-1, 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 GR-1 zone, subject to the Type I conditional use permit process.

Special Conditions

1. The campground is limited to a total of ten (10) spaces, no more than five (5) of which shall be improved spaces with utility hook-ups. The remainder of the spaces shall be dry/primitive ones. The 10 spaces shall be arranged on the property in general conformance with the submitted site plan that accompanied this conditional use permit application.
2. Any desired expansion of the campground by the applicant beyond the ten (10) spaces allowed may, at the discretion of the Chief Zoning Inspector, require a new CUP, public notice, and public hearing process.
3. No formal Development Plan shall be required. The applicant shall secure all appropriate building permits and a Type I Grading Permit to accomplish the proposed site work. The Chief Zoning Inspector is tasked with reviewing the final site plan for the campsites, coordinating as needed with other County reviewing departments, and for determining any related permits necessary to ensure compliance with all applicable codes.
4. Any desired related uses to serve the campground, such as a dump station, porta-potties or community bathrooms (and potable water service for same) shall be reviewed and approved by the appropriate County departments and shall not, by themselves alone, require a new conditional use permit application. Such improvements shall first be coordinated with the Chief Zoning Inspector to determine their permitting requirements and the relevant reviewing departments.

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.

Given that the Hearing Administrator verbally rendered his decision at the December 11, 2019 public hearing, the 30-day protest period shall commence from that public hearing date.

Any party interested in filing an appeal should contact Mr. Nicholas Coussoulis, Senior Planner, 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

December 16, 2019
Date