FOR BOARD OF SUPERVISORS JANUARY 18, 2022 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: November 15, 2021

DOCUMENT: P21CU00006

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Anthony and Rosalinda Juarez, et. al., on property located at 7099 East Sahuarita Road, in the RH (Rural Homestead) zone, for a Type II Conditional Use Permit for an RV storage facility, in accordance with Section 18.13.030.B.39 of the Pima County Zoning Code.

(District 4)

CASE BACKGROUND AND PARTICULARS

The majority of the entire surrounding area is zoned Rural Homestead (RH). The subject site is approximately nine (9) acres in size, but only the northern portion of it will be developed under this proposal. Doing so will set the storage facility approximately four hundred feet (400’) back from Sahuarita Road, with natural desert intervening that provides a substantial visual buffer from the roadway. While the property abuts the Kolb Road alignment on its eastern boundary, its public access will occur only from Sahuarita Road. Only required emergency access provisions will be provided to Kolb Road.

SUMMARY OF THE HEARING ADMINISTRATOR MEETING

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on November 10, 2021. The applicant presented the case to the hearing administrator and answered his questions. One (1) member of the public attended the hearing to speak on the matter, this being a representative of property owners north of the subject site. These owners had also submitted a letter of objection to staff prior to the hearing, wherein they
expressed concerns that included visual impact, undesirable traffic increases, noise, fumes, RV owners performing maintenance and repair, and the attraction of vermin. The speaker at public hearing repeated these same concerns, asked questions about the make-up of the project’s northern buffer, and also stated that unsightly glare from RV’s would impact their property.

In consulting Pima Maps (the County’s geographic information system) after the public hearing, the Hearing Administrator determined that the parcels owned by the objecting parties (as listed in their submitted letter) do not abut the subject property directly. In fact, they are located more than 600’ away, with that intervening distance being a buffer of vacant natural desert.

Staff indicated that it had received no other public comment on this case prior to the hearing other than the above-mentioned letter.

Upon hearing all of the above and providing the applicant with the opportunity to respond to the public testimony, the Hearing Administrator closed the public hearing.

HEARING ADMINISTRATOR’S RECOMMENDATION

After visiting the subject property and after considering the facts, public testimony, and written correspondence on this request, the Hearing Administrator recommends APPROVAL of this request for a Type II conditional use permit for a recreational vehicle (RV) storage facility. The applicant is advised that this is a formal recommendation to the Board of Supervisors, who will make the ultimate and final decision on this CUP request.

Should the Board of Supervisors agree with the Hearing Administrator’s recommendation for approval, it is suggested that this approval be granted subject to the following Special Conditions:

1. The recreational vehicle (RV) storage facility shall be implemented in substantial conformance with the conceptual plan submitted as part of this conditional use permit application and as presented at public hearing.
2. Public/customer access shall occur only from Sahuarita Road. Emergency access provisions only shall be provided to/from Kolb Road.
3. A Traffic Memorandum shall be submitted for review and approval by the Department of Transportation (DOT) in conjunction with the Development Plan submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by property owner/developer.
4. A right-of-way use permit is required for any work within the Pima County right-of-way.
5. The Hearing Administrator wholly supports the use of an alternative pavement material (e.g. crushed/compacted gravel) for the majority of the RV storage area as delineated on the submitted concept plan. It is understood that the final decision as to the pavement material employed is the province of the Department of Transportation.
6. Review and approval by the Regional Flood Control District (RFCD) is required as part of the Development Plan review process.
7. The office building shall be single-story, in general conformance with that as shown in the materials submitted with this conditional use permit application and as shown at public hearing.

8. Hours of operation for the facility’s office shall be from 8:00 AM to 5:00 PM, seven days a week. Customer access via keypad-controlled gate shall be from 7:00 AM to 9:00 PM, seven days a week. No access or operations are allowed between 9:00 PM to 7:00 AM.

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 Pima County Comprehensive Plan designates this conditional use permit site and surrounding area as **Medium Intensity Rural (MIR)**, the primary purpose of which is to “designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials, or suburban areas”. The site’s RH zoning, however, provides for certain non-residential uses (such as the requested RV storage) under its complement of permitted conditional uses.

   It is the Hearing Administrator’s finding that the proposed RV storage is a very low intensity and quiet use that introduces no material impacts or nuisances and which can easily coexist within a larger residential context. Storage facilities are generally very quiet, with minimal regular activity and exceedingly low traffic counts. The Hearing Administrator finds that the proposed conditional use is not in conflict with the Comprehensive Plan and that it will fit in satisfactorily with its established context.

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.**

   It is the Hearing Administrator’s position that the proposed conditional use does nothing to harm or negatively impact the legal permitted uses of the adjacent private properties. Safeguards to ensure the project is developed as conceptually presented have been formalized into **Special Conditions** of approval.

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

   The site will take its direct public access off of Sahuarita Road, which is a paved public roadway that is designated as a “major street” by Pima County’s adopted **Major Streets and Routes Plan**. Access is found to be adequate, especially in light of the fact that this is a very low-traffic use.
4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.

Required parking shall be reviewed accordingly during the Development Plan process.

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.

It is the Hearing Administrator’s finding that the new use poses no significant public threat in any of the above ways. Concerns regarding noise, fumes and glare as expressed by the speaker at public hearing are deemed unfounded. This is an extremely low noise-generating use. The objecting property owners enjoy a substantial buffer of natural desert that will effectively obviate any instances of glare or odor.

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

The hours of operation proposed by the applicant are wholly acceptable. They have been formalized into Special Conditions only to ensure follow-through. This is a very quiet use with relatively little weekday or night-time traffic.

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

Designated landscape buffers shall be finalized during the permitting process.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Comprehensive Plan Regional Environmental Policies — Conservation Lands System

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

1. Important Riparian Areas — 95% undisturbed natural open space
2. Biological Core Management Areas — 80% undisturbed natural open space
3. Special Species Management Areas — 80% undisturbed natural open space
4. Multiple Use Management Areas — 66-2/3% undisturbed natural open space

This conditional use permit site lies OUTSIDE OF the MMB-CLS.
Staff Commentary on Biological Impacts

This site lies outside of the CLS. Nonetheless, staff has contemplated this application in light of Pima County’s conservation policies and finds that: 1) its approval is not expected to affect any resources essential to its biological conservation priorities; and 2) it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update. The property possesses relatively little significant environmental resources. The intended use will not alter the integrity of the biological resources in the area.

Facts Confirmed by the Pima County Geographic Information System (GIS)

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

Cactus Ferruginous Pygmy Owl. The subject property is located within an area that was not designated as USFS former critical habitat nor part of its draft recovery area. The site is located within Survey Zone 2 for this species.

Western Burrowing Owl. The subject property is not located within the Priority Conservation Area (PCA) for this species.

Pima Pineapple Cactus. The subject property is located within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION & FLOOD CONTROL RECOMMENDATION

The Department of Transportation and the Regional Flood Control District have reviewed this conditional use permit request and have no objection. Each has furnished special conditions of approval; these have been incorporated into the Hearing Administrator’s recommendation.

cc: Carla Blackwell, Director, Development Services
    Dan Ice, Chief Building Official
    Chris Poirier, Planning Official
    Tom Drzazgowski, Chief Zoning Inspector
    Rory Juneman, Applicant
    Anthony & Rosalinda Juarez, et. al., Owner