



DATE: December 16, 2013

TO: Pima County Board of Supervisors

FROM: Tom Drzazgowski, Deputy Chief Zoning Inspector

SUBJECT: Additional/Modified Condition and Information for Case P21-13-025

Since the Board of Supervisors packet was prepared the applicant has requested that changes be made to two of the conditions that the Hearing Administrator included as part of the approval recommendation. Staff has included the applicant's letter and the Hearing Administrator's response. The Hearing Administrator is recommending changes to special condition #5. The Hearing Administrator recommends that special condition #4 remain as is.

Special Condition #5 as modified by the Hearing Administrator:

"Assembly and maintenance of equipment shall occur indoors within the "proposed truck shop facility" building as shown on the submitted site plan. It is understood that limited, minor activity may need to occur on adjacent building aprons from time to time. Such minor and infrequent activity on the aprons is acceptable as long as it remains both minor and infrequent."

Staff is requesting the Board of Supervisor consider adding an additional condition based on the input and concerns raised by a neighbor in a letter sent to the Board of Supervisors. Staff is suggesting the below condition be added should the Board of Supervisors decide to approve the request.

Additional Suggested Condition by Staff:

"The project shall be subject to Scenic Route (Section 18.77.040) as it relates to setbacks, color, landscaping and signage."

Lastly, staff has included some additional aerial photos of the site.

December 6, 2013

VIA ELECTRONIC MAIL

Tom Drzazgowski
Deputy Chief Zoning Inspector
Pima County Development Services
Public Works Building
201 North Stone Avenue
Tucson, Arizona 85705

Re: Komatsu America Corp/Conditional Use Permit/ Board of Supervisors
Memorandum

Dear Tom:

We are quite satisfied with the Hearing Administrator's Memorandum to the Board of Supervisors dated November 25, 2013 and have just two minor items to mention. If you would be willing to confirm that the following points are acceptable, we would like to request that, with the concurrence of the Hearing Administrator, Jim Portner, the Board of Supervisors Memorandum be revised and forwarded to the Board prior to the December 17th public hearing. Please let us know if you prefer an alternate solution. Either way, we'd like to be able to report that there is no objection to our suggested minor revisions.

1. Amend Special Condition #4 as follows:

The outdoor field operations shall occur primarily on weekdays and primarily between 6:00 A.M. and 7:00 P.M. It is understood that some activity may be required after 7:00 P.M. on some weekdays and that some testing may need to take place on the weekends, but it is the Hearing Administrator's expectation that these will be occasional events only and not become the prevailing norm. Regular weeknight activity materially after 7:00 P.M. and/or on weekends will be considered a violation of this special condition, unless a permit or other approval exists.

2. Amend Special Condition #5 as follows:

All assembly and maintenance of equipment, to the extent reasonably practicable, shall occur indoors within the "proposed truck shop facility" building as shown on the submitted site plan.

December 6, 2013

Tom Drzazgowski

Komatsu America

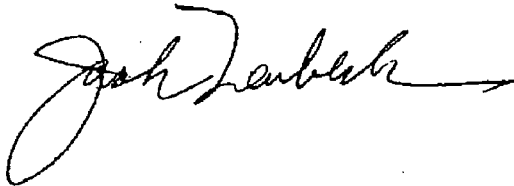
Page 2

Job #/location code

By way of explanation, the restriction on hours of outdoor activity is simply being clarified—everyone clearly means outdoor activity such as that customarily considered under County Ordinance, and not office hours for Komatsu engineers, staff or other workers inside the confines of the building. Second, there could be limited work on the apron areas of the truck bays, such as when the bays are full or otherwise occupied. The frequency and materiality would be so minimal as to warrant only the minor clarification made.

Thank you for your consideration of these matters. Please let us know if you have questions or would like to discuss.

Sincerely,
THE PLANNING CENTER

A handwritten signature in black ink, appearing to read "Jack Neubeck", with a long horizontal flourish extending to the right.

Jack Neubeck
Principal

From: JIM PORTNER
Sent: Sunday, December 15, 2013 11:57 AM
To: Thomas Drzazgowski
Subject: Re: Letter regarding Komatsu
Attachments: Letter to Tom D re Memo to Board of Supervisors Letterhead.docx

Tom:

I have reviewed the applicant's letter (attached) requesting modifications to certain conditions of my recommended approval of Komatsu's equipment testing facility. My responses to their two (2) items indicated in blue font below, following each of the items being requested (which I have cut-and-pasted into this email):

1. Amend Special Condition #4 as follows:

The outdoor field operations shall occur primarily on weekdays and primarily between 6:00 A.M. and 7:00 P.M. It is understood that some activity may be required after 7 00 P.M. on some weekdays and that some testing may need to take place on the weekends, but it is the Hearing Administrator's expectation that these will be occasional events only and not become the prevailing norm. Regular weeknight activity materially after 7:00 P.M. and/or on weekends will be considered a violation of this special condition, unless a permit or other approval exists.

The requested change here is to add the phrase "unless a permit or other approval exists". I believe the existing recommended condition should remain as is. The intent of this condition is clearly to limit only the outdoor field operations activity involving the use and operation of equipment, and not in any way to limit the office and administrative work of Komatsu engineers and/or employees, whether indoor or outdoor. The hearing administrator would not be in support of any "permit or other approval" which might materially expand the outdoor field operations beyond the parameters within which this condition is attempting to limit them. Further, if some other "permit or other approval" might already exist for some particular activity on the site, then nothing in this condition can take away those rights.

2. Amend Special Condition #5 as follows:

All assembly and maintenance of equipment, to the extent reasonably-practicable, shall occur indoors within the "proposed truck shop facility" building as shown on the submitted site plan.

The requested change here is to add the phrase, "to the extent reasonably practicable". I have no idea as to how one actually enforces the notion of "to the extent reasonably practical". I believe that clause provides too much latitude to allow the regular and routine conduct of outdoor assembly and maintenance activities, whereas the testimony of Komatsu representatives at public hearing was clearly that such work would occur indoors. The applicant's explanation (in the attached letter below) indicates that work may need to occur on the building aprons if all work bays are otherwise occupied, but that the "frequency and materiality" of such work would be minimal. If this is in fact the case, such rare and minor work would not be viewed by this hearing administrator to violate the clear spirit and intent of this condition. With that in mind, I am willing to recommend the following alternative wording:

"Assembly and maintenance of equipment shall occur indoors within the "proposed truck shop facility" building as shown on the submitted site plan. It is understood that limited, minor activity may need to occur on

adjacent building aprons from time to time. Such minor and infrequent activity on the aprons is acceptable as long as it remains both minor and infrequent."

Please let me know if you have any questions.

JP

On Dec 9, 2013, at 2:20 PM, Thomas Drzazgowski wrote:

Jim,

I received this from the applicant on the Komatsu recommendation. The applicant is requesting some modifications of your conditions. Since these are conditions recommended by the Hearing Administrator staff is deferring to you for your input.

Tom D.

From: Jack Neubeck
Sent: Friday, December 06, 2013 2:13 PM
To: Thomas Drzazgowski
Cc: ; Grassinger, Michael
Subject: Letter regarding Komatsu

Tom,

Please find attached a letter regarding Komatsu and the minor requested revisions to the conditions. Thanks, Jack

P.S. Thanks to you and Chris for the site visit today. I will send you a separate email regarding my discussion with the radio tower "owner".

<image001.jpg>

<Letter to Tom D re Memo to Board of Supervisors Letterhead.docx>

Jim Portner, Principal
Projects International Inc.
Mailing Address:
P.O. Box 64056
Tucson, AZ 85728-4056
Street/Delivery Address:
10836 E. Armada Lane
Tucson, AZ 85749-9460
Office Phone 520.760.1976
Office Fax 520.760.1950
Cell Phone 520.850.0917

ARIZONA

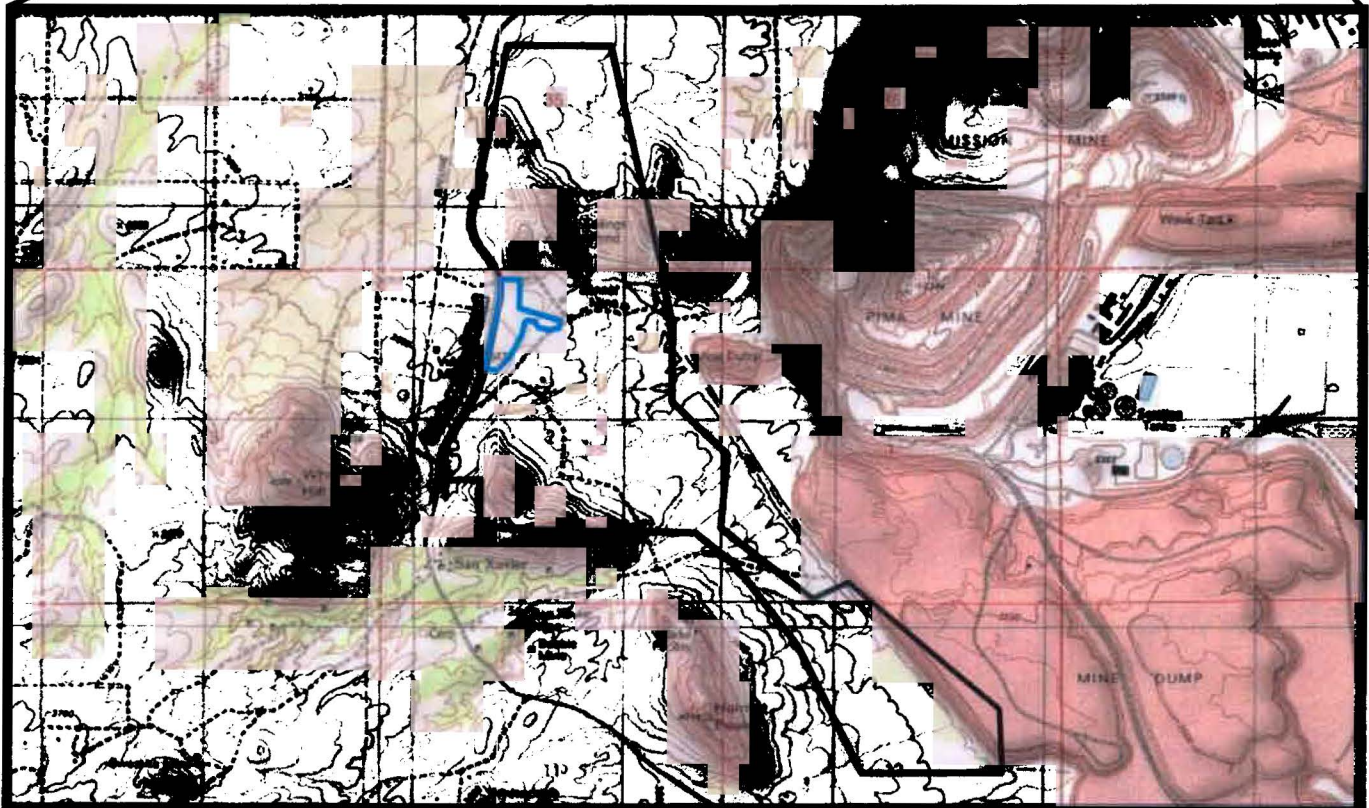


PROJECT
LOCATION

TUCSON METROPOLITAN AREA



Approximate Scale 1 Inch = 10 Miles



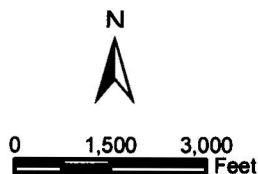
T17S, R12E, Portion of Section 2,
Pima County, Arizona,
Twin Buttes USGS 7.5' Quadrangle

Legend

- Permit Area
- Lease Boundary

**KOMATSU
AMERICA CORPORATION**
Truck Shop Facility
Arizona Proving Grounds
Asarco Mission Mine Site

WestLand Resources, Inc.
Tucson • Phoenix • Flagstaff
4001 E. Paradise Falls Drive
Tucson, Arizona 85712 (520) 206-9585



VICINITY MAP

Figure 1



T17S, R12E, Portion of Section 2,
Pima County, Arizona,
Image Source: Cooper Aerial Surveys, 2012

Legend

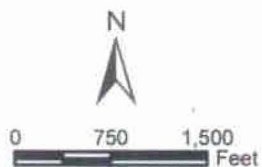
- Permit Area
- Lease Boundary

**KOMATSU
AMERICA CORPORATION**
Truck Shop Facility
Arizona Proving Grounds
Asarco Mission Mine Site

AERIAL OVERVIEW OF
LEASED PROPERTY

Figure 2

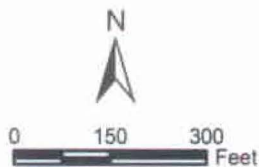

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T17S, R12E, Portion of Section 2,
Pima County, Arizona,
Image Source: Cooper Aerial Surveys, 2012

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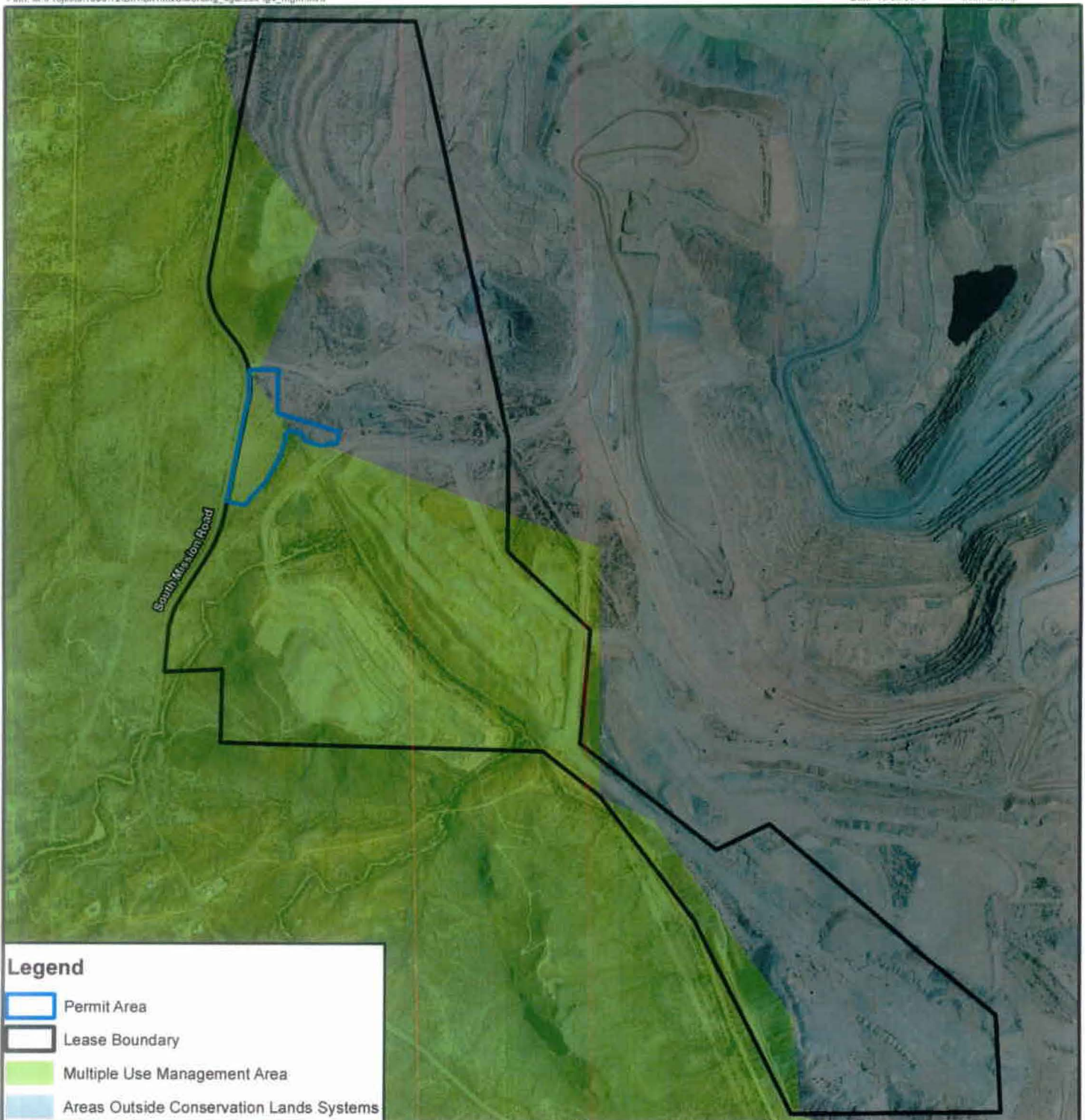
Legend

Permit Area

**KOMATSU
AMERICA CORPORATION**
Truck Shop Facility
Arizona Proving Grounds
Asarco Mission Mine Site

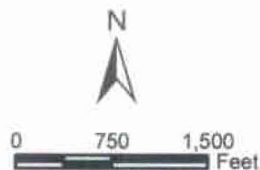
AERIAL OVERVIEW OF
PERMIT AREA

Figure 3



T17S, R12E, Portion of Section 2,
Pima County, Arizona,
Data Source: Pima County Conservation Land Systems,
Acquired January 31, 2006
Image Source: Cooper Aerial Surveys, 2012


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Tucson • Phoenix • Flagstaff
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**KOMATSU
AMERICA CORPORATION**
Truck Shop Facility
Arizona Proving Grounds
Asarco Mission Mine Site
**CONSERVATION LANDS SYSTEM
DESIGNATIONS WITHIN LEASED PROPERTY**

Figure 4