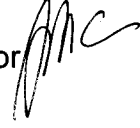




MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Sharon Bronson, Supervisor, District #3

FROM: Arlan M. Colton, Planning Director 

DATE: December 4, 2013

SUBJECT: P21-13-025 ASARCO LLC – MISSION MINE, ET AL. – S. MISSION RD.
(Conditional Use Permit – Type II – Mine Equipment Testing Facility)

The above referenced Conditional Use is within your district and is scheduled for the Board of Supervisors' **TUESDAY, December 17, 2013** hearing.

REQUEST: Conditional Use Permit – Mine Equipment Testing Facility

OWNER: Asarco Inc.
5285 E. Williams Circle Suite 2000
Tucson, AZ 85711

APPLICANT: The Planning Center
(On behalf of Komatsu America Corp.)
110 S. Church Av. Suite 6320
Tucson, AZ 85701

DISTRICT: 3

STAFF CONTACT: Tom Drzazgowski

PUBLIC COMMENT TO DATE: No letters of protest have been received to date.

HEARING ADMINISTRATOR RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: Approximately 350 acres of the 658 acre site is within the Multiple Use Management Area of the MMBCLS. A large portion of the site has been previously disturbed through mining activities. 12.63 acres of Multiple Use Management Area is proposed to be disturbed with this new facility. Mitigation of this new disturbance area will occur onsite.

TD/ar
Attachments



Board of Supervisors Memorandum

Subject: P21-13-025

Page 1 of 2

FOR DECEMBER 17, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director *AMC*

DATE: December 4, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

TYPE II CONDITIONAL USE
MINE EQUIPMENT TESTING FACILITY

P21-13-025

ASARCO LLC – MISSION MINE, ET AL. – S. MISSION RD.

Request of Komatsu America Corp., represented by The Planning Center, on properties located at 14591 S. Mission Rd. (Multiple Tax Codes), in the RH Zone, for a conditional use permit for an equipment testing facility. Chapter 18.97 in accordance with Section 18.13.030B35 of the Pima County Zoning Code allows an equipment testing facility as an other conditional use which is similar in type scale and intensity as other uses listed. An equipment testing facility is a Type II conditional use in the RH zone. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**
(District 3)

Hearing Administrator Hearing (October 9, 2013)

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on November 21, 2013. The Planning Center (Jack Neubeck) presented the case and was assisted by a representative of Komatsu America Corporation who provided detail as to the operational characteristics and particulars of the proposed testing facility.

Based on the above applicant testimony, it became clear that the general intensity of the proposed use would be significantly less than that associated with the former Asarco mining operations. The latter, for example, occurred twenty-four hours a day, seven days a week and included full mining and processing operations, while the proposed testing facility

would be a largely daytime-only, weekday operation, with only occasional activity on the weekends. Furthermore, there would be no actual mining activity or processing occurring on the site. The prototype equipment is evaluated by loading and unloading material stockpiled on the property from prior mining activity, as well as by maneuvering fully-loaded vehicles around the terrain.

More than a dozen members of the public attended the hearing, eight (8) of whom chose to speak on the matter. Nearly all of the attendees were owners/occupants of residential property located to the northwest, west, or south of the proposed facility and who were very familiar with Asarco's established mining operations in the area. None of the speakers was in open opposition to the request for the new testing facility, and so the testimony focused primarily on operational questions and on citing issues that raised a concern or which simply needed further clarification. Points raised included hours of operation, potential air pollution and dust control, traffic on Mission Road, satisfaction of scenic route requirements, potential impacts on water quality, light pollution, and whether or not blasting would occur.

Following the public testimony, the applicants offered their rebuttal and a productive discussion ensued wherein the above questions and concerns were all discussed and addressed fully to the satisfaction of the Hearing Administrator. In the end, it was clear that the proposed facility could be operated subject to a well-crafted set of special conditions which would insure that proper safeguards and protections were in place for the surrounding property owners.

Staff indicated that, prior to the hearing, several phone calls had been received by surrounding property owners, all of which could be described as informational.

After hearing all of the above, the Hearing Administrator closed the public hearing and thanked those in attendance for their testimony.



Board of Supervisors Memorandum

P21-13-025

Page 1 of 6

FOR BOARD OF SUPERVISORS DECEMBER 17, 2013 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: November 25, 2013

DOCUMENT: P21-13-025

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Asarco, LLC Mission Mine, et. al., represented by The Planning Center, on properties located at 14591 S. Mission Road (multiple tax codes), in the **RH Zone**, for a conditional use permit for an equipment testing facility. Chapter 18.97 in accordance with Section 18.13.030.B.35 of the Pima County Zoning Code allows an equipment testing facility as an other conditional use which is similar in type, scale and intensity as other uses listed. An equipment testing facility is a Type II conditional use in the RH zone. (District 3)

CASE BACKGROUND AND PARTICULARS

The proposed use is a facility for the evaluation of prototype mining equipment manufactured by the Komatsu America Corporation. For all intents and purposes, this is a research and development site where mining equipment/vehicles will be field-tested for performance. The large prototype equipment will be transported to the site in components, assembled indoors within a new building, and then tested and evaluated outdoors. The property in question is a largely disturbed area that was formerly part of Asarco's on-going mining operations. Komatsu proposes to lease an approximately 658-acre portion of Asarco's holdings, which would henceforth be used exclusively for Komatsu testing activities. The proposed facility will include a central complex comprised of offices, parking lot, the aforementioned assembly building, and an outdoor storage area, while the majority of the remaining acreage will be the outdoor testing sites. Several large, natural-area set-asides will also be designated to satisfy applicable mitigation requirements of the Maeveen Marie Behan Conservation Lands System.

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 21, 2013. The Planning Center (Jack Neubeck) presented the

case and was assisted by a representative of Komatsu America Corporation who provided detail as to the operational characteristics and particulars of the proposed testing facility.

Based on the above applicant testimony, it became clear that the general intensity of the proposed use would be significantly less than that associated with the former Asarco mining operations. The latter, for example, occurred twenty-four hours a day, seven days a week and included full mining and processing operations, while the proposed testing facility would be a largely daytime-only, weekday operation, with only occasional activity on the weekends. Furthermore, there would be no actual mining activity or processing occurring on the site. The prototype equipment is evaluated by loading and unloading material stockpiled on the property from prior mining activity, as well as by maneuvering fully-loaded vehicles around the terrain.

More than a dozen members of the public attended the hearing, eight (8) of whom chose to speak on the matter. Nearly all of the attendees were owners/occupants of residential property located to the northwest, west, or south of the proposed facility and who were very familiar with Asarco's established mining operations in the area. None of the speakers was in open opposition to the request for the new testing facility, and so the testimony focused primarily on operational questions and on citing issues that raised a concern or which simply needed further clarification. Points raised included hours of operation, potential air pollution and dust control, traffic on Mission Road, satisfaction of scenic route requirements, potential impacts on water quality, light pollution, and whether or not blasting would occur.

Following the public testimony, the applicants offered their rebuttal and a productive discussion ensued wherein the above questions and concerns were all discussed and addressed fully to the satisfaction of the Hearing Administrator. In the end, it was clear that the proposed facility could be operated subject to a well-crafted set of special conditions which would insure that proper safeguards and protections were in place for the surrounding property owners.

Staff indicated that, prior to the hearing, several phone calls had been received by surrounding property owners, all of which could be described as informational.

After hearing all of the above, the Hearing Administrator closed the public hearing and thanked those in attendance for their testimony.

HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property, and after considering the facts and the testimony presented at the November 21, 2013 public hearing, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit to construct and operate an equipment testing facility. The applicant is advised that this is a *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 standard and special conditions:

Standard Conditions & Requirements per the Pima County Zoning Code

The Pima County Zoning Code stipulates no standard requirements for this use. See the proposed *Special Conditions* recommended below.

Special Conditions Recommended by the Hearing Administrator

1. This conditional use permit approval is for an equipment testing facility and its related operations and activities only; no other commercial/industrial use is granted.
2. This conditional user permit applies only to the 658-acre lease area as delineated in the applicant's submittal materials. Any expansion of the facility beyond the 658-acre site shall require a new conditional use permit application, public notice, public hearing, etc.
3. The use shall proceed in substantial conformance with the site plan as submitted in the applicant's submittal materials.
4. The facility operations and attendant field testing shall occur primarily on weekdays and primarily between 6:00 AM and 7:00 PM. It is understood that some activity may be required slightly after 7:00 PM on some weekdays and that some testing may need to take place on the weekend, but it is the Hearing Administrator's expectation that these will be occasional events only and not become the prevailing norm. On-going or regular weeknight activity after 7:00 PM and/or on weekends will be considered a violation of this special condition.
5. All assembly and maintenance of equipment shall occur indoors within the "proposed truck shop facility" building as shown on the submitted site plan.
6. No blasting shall occur on the lease property.
7. No actual mining or materials processing activity shall occur on the lease property, only the loading, unloading, maneuvering, etc. as described at public hearing.
8. The arrival and departure of large mining equipment components via delivery trucks on Mission Road or Helmet Peak Road is understood by the Hearing Administrator to be an occasional event whose frequency would be in the range of several instances per year. While there is no attempt here to specifically quantify a maximum number of such events allowed, the applicant is advised that a significant increase in the above expected frequency to the point where an on-going nuisance is created will be considered a violation of this special condition and potentially be subject to further restrictions by the hearing administrator.
9. All outdoor lighting shall be in accordance with the Pima County Outdoor Lighting Code (Title 15).
10. Dust control shall proceed in conformance with all applicable requirements of the Arizona Department of Environmental Quality (ADEQ).

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 site as *Resource Extraction (RE)*, the stated purpose of which is, “to designate mining lands for their extractive capabilities and to protect these areas from encroachment by incompatible uses.”

It is the Hearing Administrator's finding that the proposed equipment testing facility is clearly consistent with the objectives of this *Comprehensive Plan* district. Furthermore, it is apparent that the proposed use, if operated in conformance with the recommended set of special conditions enumerated above, will co-exist appropriately with the surrounding rural-residential properties.

The proposed testing facility will, for all intents and purposes, represent a significant reduction in noise, hours of operation, and general intensity of use over the Asarco full-fledged mining operations that formerly occurred on the same property.

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, if conducted in conformance with the submitted conceptual site plan and the special conditions prescribed above, will appropriately and satisfactorily safeguard the adjacent properties.

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

The site has direct access to Mission Road, which is a designated “Major Street” on the Pima County Major Streets & Routes Plan. Access is found to be adequate.

4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.

Required parking shall be addressed during the formal Development Plan review for the project.

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 uses pose no significant public threat in any of the above ways, especially in light of the fact that the general intensity of use on the lease property will be significantly decreased compared to the full Asarco mining activities that formerly occurred on the property. While noise and dust might still appear to be factors, the proposed special conditions limiting hours of operation and ADEQ compliance serve to address these factors.

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

Hours of operation have been stipulated by a special condition recommended by the Hearing Administrator.

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

Required landscaping shall be addressed during the formal Development Plan review for the project.

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

Approximately 350 acres of the 658-acre subject lease site is designated as *Multiple Use Management Area (MUMA)* within the SDCP's Biologically-Preferred Reserve System of the Maeveen Marie Behan Conservation Lands System (MMB-CLS).

Staff Commentary on Biological Impacts

Staff has reviewed this application and has prepared a separate memorandum (included in the Board's packet) addressing CLS applicability and habitat issues. Approximately 12.63 acres of land within the designated CLS area will be newly disturbed by the proposed testing facility. In keeping with the 2:1 mitigation requirements of the CLS within the *MUMA* designation, 25.26 acres of natural area within the lease area will be set-aside as natural and will be delineated in detail on the future Development Plan for the project

In light of the above, staff finds that approval of this conditional use permit as proposed would not be in conflict with the Pima County Regional Environmental Policies contained in the 2001 Comprehensive Plan Update.

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 is not designated as former critical habitat or draft recovery area. It is located within Survey Zone 2. This site is located outside of the Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is located within a general area designated as having low quality habitat potential for the Western Burrowing Owl. It is not 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. Staff's separate memorandum on CLS and habitat issues describes a site survey which was completed in 2012, wherein three (3) pima pineapple cactus were found on the lease site and were subsequently re-located to off-site Asarco holdings in accordance with all applicable protocol.

Needle-Spined Pineapple Cactus. The subject property is outside of the known range for the Needle-Spined Pineapple cactus. It 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 will review the project during the formal Development Plan process.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Arlan Colton, Planning Official
Carmine DeBonis, Chief Zoning Inspector
Asarco, LLC, Property Owner
The Planning Center, c/o Jack Neubeck, Applicant (for Komatsu America Corporation)

NOTICE

PIMA COUNTY BOARD OF SUPERVISORS

PUBLIC HEARING

PUBLIC HEARING WILL BE HELD by the Pima County Board of Supervisors on **Tuesday, December 17, 2013** at the time noted, in the Board of Supervisors' Hearing Room, first floor, 130 W. Congress Street, Tucson, Arizona.

This is not a complete agenda and does not reflect the order in which cases will be heard.

AT OR AFTER 9:00 A.M.

REQUESTS A CONDITIONAL USE PERMIT

P21-13-025 – ASARCO LLC – MISSION MINE, ET AL. – S. MISSION RD.

Request of Komatsu America Corp., represented by The Planning Center, on properties located at 14591 S. Mission Rd. (Multiple Tax Codes), in the RH Zone, for a conditional use permit for an equipment testing facility. Chapter 18.97 in accordance with Section 18.13.030B35 of the Pima County Zoning Code allows an equipment testing facility as an other conditional use which is similar in type scale and intensity as other uses listed. An equipment testing facility is a Type II conditional use in the RH zone. (District 3)

The Board Hearing Room is wheelchair accessible, Assistive Listening Devices are available, and closed captioning is available on cable television. The following services are available upon prior request (ten working days) at the Clerk of the Board: Agenda materials printed in Braille or large print; a signer for the hearing impaired.

DONE BY ORDER OF THE PIMA COUNTY BOARD OF SUPERVISORS THIS 26th DAY OF November, 2013.

TELEPHONE: DEVELOPMENT SERVICES / ZONING ENFORCEMENT

724-6675

NOTICE OF HEARING PIMA COUNTY HEARING ADMINISTRATOR

NOTICE IS HEREBY GIVEN that the Pima County Hearing Administrator will hold a public hearing on Thursday, November 21, 2013 at 3:00 p.m. in the Public Works Building, 201 N. Stone Avenue, Basement, Conference Room D, Tucson, Arizona on the following:

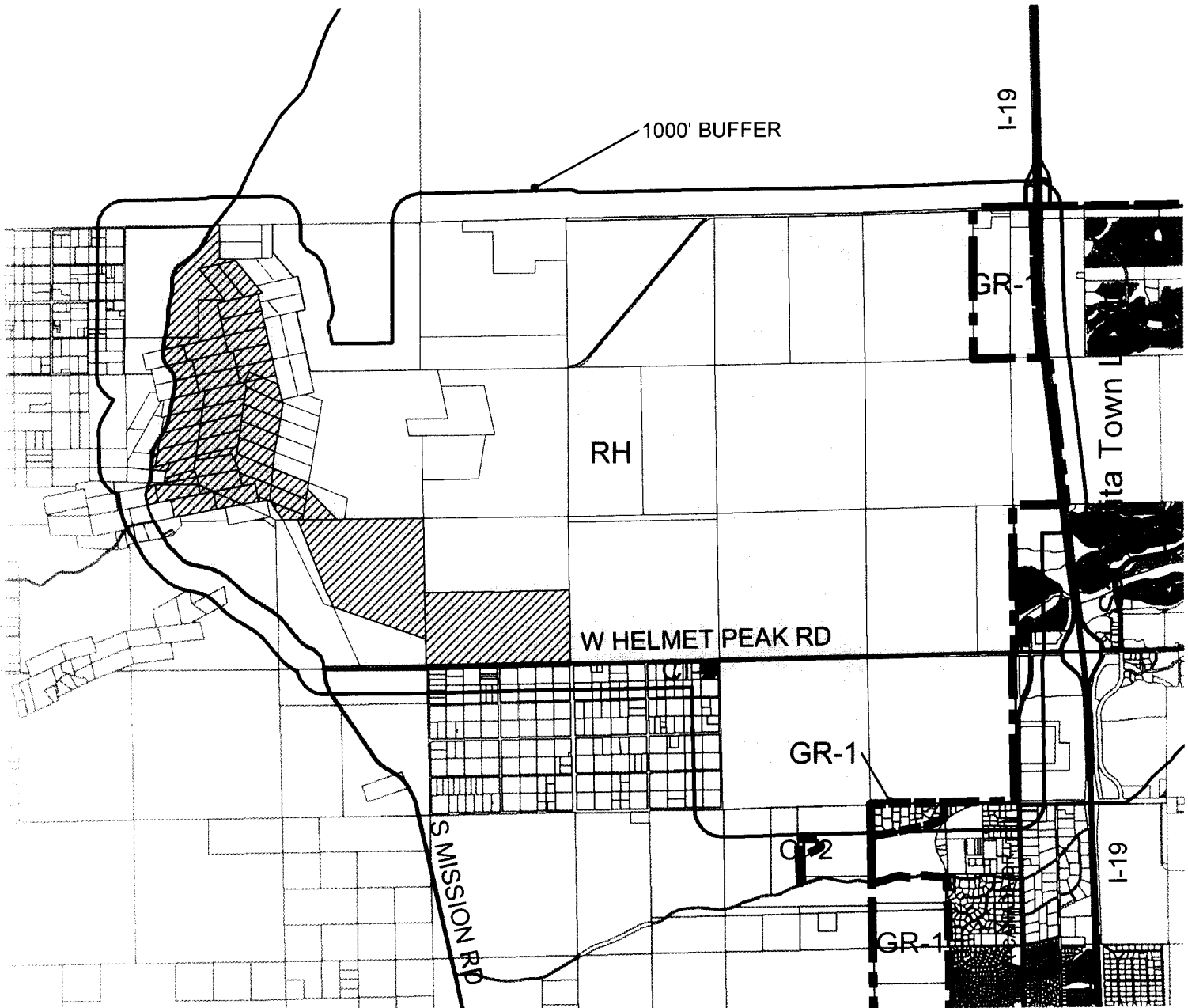
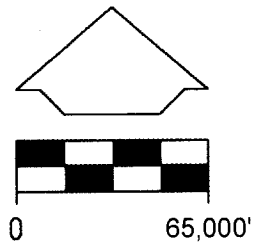
P21-13-025 – ASARCO LLC – MISSION MINE, ET AL. – S. MISSION RD.

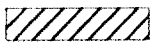
Request of Asarco LLC – Mission Mine, ET AL., represented by The Planning Center, on properties located at 14591 S. Mission Rd. (Multiple Tax Codes), in the RH Zone, for a conditional use permit for an equipment testing facility. Chapter 18.97 in accordance with Section 18.13.030B35 of the Pima County Zoning Code allows an equipment testing facility as an other conditional use which is similar in type scale and intensity as other uses listed. An equipment testing facility is a Type II conditional use in the RH zone. (District 3)


Individuals with disabilities who require accommodations, including auxiliary aids or services, for effective participation and communication in the meeting may call the Planning Division at (520) 740-6675 at least one week prior to the meeting. Our meeting site is wheelchair accessible.

If you have any questions regarding this hearing, you may come to the Zoning Enforcement Division, Public Works Building, 201 N. Stone Avenue, First Floor, Tucson, Arizona, or telephone 724-6675.

Thomas Drzazgowski – Deputy Chief Zoning Inspector
Pima County Development Services Department



Petition area 

Notification area 

BASE MAP's EPC

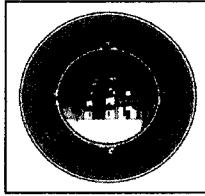
Notes CUP

Tax codes SEE APPLICATION
FOR COMPLETE LIST

Date 11/04/2013
Drafter DS

File no. P21-13-025
ASARCO LLC
SOUTH MISSION ROAD

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division



MEMORANDUM

To: Jim Portner, Hearing Administrator
From: Tom Drzazgowski, Deputy Chief Zoning Inspector
Date: November 14, 2013
Subject: P21-13-025 ASARCO LLC – Mission Mine ET AL – S. MISSION RD.
Conditional Use Permit, Type II (Equipment Testing Facility)

The following comments are in regard to the above-referenced application for an equipment testing facility (run by Komatsu) on Asarco mine property at 14591 S. Mission Rd. The proposed equipment testing facility is located on multiple properties that are owned by Asarco. The project area is a leased area which is 658 acres in size, nearly all of which is overlain with mine waste products placed there by mine operators in years past. Of the 658-acre lease area, only 13.9 acres would be subject to this conditional use permit, if approved. Within the conditional use permit area, approximately 12.63 acres are proposed to be disturbed; these acres are also located in the Maeveen Marie Behan Conservation Land System – Multiple Use Management Area (MUMA). Approximately 350 acres of the leased area also lies within the MUMA.

The site is located outside the Critical Landscape Connections; and is not identified as, nor is located near Habitat Protection Priority properties for acquisition under the 2004 Conservation Bond program; and is not a Pima County preserve parcel.

The proposed equipment testing facility is outside the Priority Conservation Area for the western burrowing owl, cactus ferruginous pygmy-owl and needle-spined pineapple cactus. The site is located in the Priority Conservation Area for the Pima pineapple cactus. A survey was conducted for the project area by Westland Resources Inc. in 2012. The survey located three Pima pineapple cactus on the property which Asarco subsequently relocated to other areas of their property.

The applicant proposes to disturb 12.63 acres of property located in the Conservation Land System MUMA. The guideline for disturbance mitigation is 2:1. Under these guidelines 25.26 acres should be protected from development to offset the disturbance area. As documented in the Biological Impact Report, the applicant acknowledges this requirement and has identified three areas within the lease area which will provide a minimum total of 25.26 acres of natural open space throughout the project life. Staff recommends that future development plan submittals be required to specifically identify and delineate those areas that are providing the 25.26 acres of natural open space the applicant is relying upon to comply with the MUMA conservation guideline.

J. Portner

Re: P21-13-025 ASARCO LLC – Mission Mine

November 18, 2009

Page 2

Approval of this application with the recommended condition is not expected to affect any resources essential to Pima County's biological conservation priorities and would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update.

PIMA COUNTY DEVELOPMENT SERVICES BIOLOGICAL IMPACT REPORT GUIDELINES

(Not Applicable for Rezoning Applications that Require a Site Analysis)

With the Board of Supervisors' approval of Ordinance No. 2001-103 in July 2001, Chapter 18.91 of the Zoning Code was amended to require that a Biological Impact Report be included as part of the documentation submitted for rezoning applications, Type 2 and Type 3 conditional use permits, zoning plan plat waivers, modification to or waiver of rezoning conditions, and requests for rezoning time extensions. The Biological Impact Report is a tool which staff will use to facilitate an assessment of the proposed project's potential to impact sensitive biological resources. A project's design should, to the greatest extent possible, seek to conserve these important resources. The Biological Impact Report should, at a minimum, include responses to all the questions set forth below.

A significant amount of the information requested below is available on Pima County's MapGuide. To access the MapGuide version that displays the appropriate SDCP information, go to www.dot.co.pima.az.us/gis/maps and click on the Sonoran Desert Conservation Plan Maps under the Maps From Others section. Among the choices of maps found on that page, select the **SDCP MapGuide Map**. If you don't readily find the data layer referenced in the following questions, continue to zoom in until the desired data layer appears in the menu box.

Should you have specific questions about compiling the Biological Impact Report or any of the information being requested, please contact the Planning Division at 520/740-6800.

Landscape Resources

1. Identify whether the proposed project site occurs wholly or partially within any Maeveen Marie Behan Conservation Lands System Category including Important Riparian Areas and Special Species Management Areas. *yes 12.63 acres undisturbed*
2. Identify whether the proposed project occurs in the vicinity of any of the six general areas identified as Critical Landscape Linkages. (Critical Landscape Linkages are not viewable on MapGuide. Textual descriptions and general locations of these 6 general areas can be found on a hardcopy of the Maeveen Marie Behan Conservation Lands System Map; for a map and textual descriptions of Critical Landscape Connections see Attachment A.) *No*
3. If the property is a Habitat Protection or Community Open Space priority acquisition property, as displayed on SDCP MapGuide, identify which designation applies to the site and comment on the status of communications, if any, between the owner and Pima County regarding the County's potential acquisition of the property. *No*

Species-Specific Information (including Pertinent Federally-Threatened and Endangered Species)

Cactus Ferruginous Pygmy-owl:

1. Does the proposed project site occur within the Priority Conservation Area for the cactus ferruginous pygmy-owl? (This information is viewable on MapGuide.) *NO*
2. Has the proposed project site been surveyed for pygmy-owls? *NO*
 - a. If yes, disclose the dates when surveys were done and provide a summary of the results.
 - b. If no, are surveys planned in the future? *NO*

Western Burrowing Owl:

1. Does the proposed project site occur within the Priority Conservation Area for the western burrowing owl? (This information is viewable on MapGuide.) *NO*
2. Has the proposed project site been surveyed for burrowing owls? *NO*
 - a. If yes, disclose the dates when surveys were done and provide a summary of the results.
 - b. If no, are surveys planned in the future? *NO*

Pima Pineapple Cactus:

1. Does the proposed project site occur within the Priority Conservation Area for the Pima pineapple cactus? (This information is viewable on MapGuide.) *yes*
2. Have Pima pineapple cactus been found on the proposed project site? *yes 3*
3. Has the proposed project site been surveyed for Pima pineapple cactus? *yes 3*
 - a. If yes, disclose the date when surveys were done and provide a summary of the results.
 - b. If no, are surveys planned in the future? *NO*

Needle-Spined Pineapple Cactus:

1. Does the proposed project site occur within the Priority Conservation Area for the needle-spined pineapple cactus? (This information is viewable on MapGuide.) *No*
2. Have needle-spined pineapple cactus been found on the proposed project site? *No*
3. Has the proposed project site been surveyed for needle-spined pineapple cactus? *No*
 - a. If yes, disclose the date when surveys were done and provide a summary of the results.
 - b. If no, are surveys planned in the future? *No*



ZONING ENFORCEMENT DIVISION
201 N. Stone Avenue, 1st Floor
Tucson, Arizona 85701-1207
(520) 740-6675

APPLICATION FOR CONDITIONAL USE PERMIT

OWNER: Asarco Inc. (according to County Assessor) and Asarco LLC (fee owner of record) PHONE: (520) 798-7500

ADDRESS: 5285 E. Williams Circle Ste. 2000 CITY: Tucson ZIP: 85711

Jack Neubeck (The Planning Center) for Lessee
APPLICANT (if not owner) Komatsu America Corp. PHONE: (520) 623-6146

APPLICANT EMAIL ADDRESS: jneubeck@azplanningcenter.com

ADDRESS: 110 S. Church Ave. Ste. 6320 CITY: Tucson ZIP: 85701

PROPERTY ADDRESS: 14591 S. Mission Rd Approximately 658 acres north of Helmet Peak Road and east of Mission Road ZONE: RH

TAX CODE(S): 303-22 Portions of 303-04-001C, 0110, 0120, 0140, 0150, 0160, 0170, 018B, 019B, 0200, 0210, 022A; 303-21-007K; 303-22-005D, 0250, 0260, 0050, 0070, 0080, 0090, 0100, 0110, 0120, 0130, 028A, 029A, 029B, 0320, 033A, 033B, 0340, 0350, 0360, 0370, 038A, 038B, 0410, 0430, 0450, 0480, 0150, 016B, 017B, 018B, 019B, 021B, 023A, 024A, 0250, 0140; 303-34-001L (See attached reference index and maps)

TOWNSHIP, RANGE SEC.: Portions of Section 35 T16E R12S; Portions of Sections 01, 02, & 12 of T17E R12S

LOT DIMENSIONS: See attached Exhibits LOT AREA: Approximately 658 acres (see attached exhibits)

TYPE OF USE PROPOSED FOR PROPERTY (BE SPECIFIC): The site will be used as part of Komatsu America Corp. R&D division to test new machinery. They currently have a facility, Twin Buttes, in Green Valley, however due to a change in ownership they need to move their facility. A 10 page detailed explanation of the desire for Komatsu to move their "Proving Grounds" to this location is attached as well as an addendum that goes into more detail.

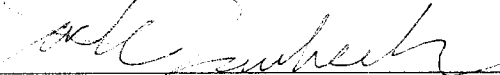
STATE THE REASONS WHY THE USE IS PROPOSED AND WHY YOU THINK IT WOULD BE COMPATIBLE WITH THE SURROUNDING AREA: Since a large portion of the property has already been disturbed, this site, with the inclusion of a new building (see attached preliminary design), will provide a positive visual change to the surrounding neighborhood. Additionally, unlike the most recent Asarco activity on a portion of the property, this use will occur on a regular 8 hour basis, instead of the most recent activity that was 24 hours a day and also was lighted at night. Please refer again to the 10 page outline attached, as well as the addendum, to see the positive impact this will have on the surrounding area compared to what the site has been used for most recently.

ESTIMATED STARTING DATE: January 2014

ESTIMATED COMPLETION DATE: January 2015

1. Preliminary Development Plan
 - a. 5 copies are needed for Type I (In accordance with Pima County Fee Schedule)
 - b. 25 copies are needed for Type II (In accordance with Pima County Fee Schedule)
 - c. 40 copies are needed for Type III (In accordance with Pima County Fee Schedule)
 (Make check payable to Pima County Treasurer)
2. Assessor's Map showing location and boundaries of the property.
3. Assessor's Property Information showing ownership of the property.
4. Letter of Authorization if applicant is not the owner
5. Floor Plan that pertains to interior access or use if required
6. Biological Impact Report ** - For Type 2 or 3 permit requests

I, the undersigned, represent that all the facts in this application are true to the best of my knowledge.



Signature of Applicant

JACK NEUBECK

Print Name


10/23/13

Date

(520) 623-6146

Applicant Phone Number

Applicant agrees to provide staff with written proof of notice to the United States Fish and Wildlife Service of this conditional use request at least 15 days prior to the date of the public hearing. Failure to do so may result in cancellation of the public hearing. In addition, the applicant or authorized representative must appear in person at the public hearing to present the request, otherwise the case may be dismissed.

Please initial here: 

OFFICE USE ONLY

Case #: 221-13-025 Case Title: Asarco LLC - Mission Mine, ETAI - San Mission Rd

Type: II Fee: _____ Receipt Number: _____ Hearing Date: 11/21/13

Notification Area: 1000' Sections: _____

Zoning Approval: _____

Special Conditions: _____

A request for continuance of an advertised application or a change in original request by applicant, must be accompanied by an additional fee.

**** Applicant should consult with Pima County Planning staff to determine the extent to which this requirement applies to the subject property. The Biological Impact Report pertains to expected impacts on endangered and threatened species as identified in the Sonoran Desert Conservation Plan.**

**ADDENDUM TO APPLICATION FOR CONDITIONAL USE PERMIT
PIMA COUNTY DEVELOPMENT SERVICES**

Applicant: KOMATSU AMERICA CORP.

DATE: October 23, 2013

I. INTRODUCTION.

Komatsu America Corp., headquartered in Rolling Meadows, Illinois ("**Komatsu**"), is an international leader in developing, testing, and manufacturing mining trucks and equipment. Komatsu proposes to conduct mining equipment testing activities on portions of the Mission Mine Property south of Tucson as set forth in the Conditional Use Permit ("CUP") application of which this addendum is a part.

II. THE MISSION MINE PROPERTY.

The Mission Mine Property is owned by ASARCO LLC, a Delaware corporation ("**Asarco**"), and is located in the Green Valley area. The Mission mine property is zoned Rural Homestead (RH) and is part of the Mission Mine Complex, one of the largest copper and silver mining operations in the United States, with the "Mission pit" ranked the third largest in Arizona.

III. LEASE.

Komatsu proposes to lease approximately 650 acres of predominantly disturbed land on the Mission Mine Property from Asarco. The lease between Asarco and Komatsu (the "**Lease**") will be for an extended term, with options to renew. During the term of the Lease, Komatsu will construct at its own expense certain major improvements at a cost exceeding several million dollars, including an integrated facility for Research and Development, maintenance, and storage, of a scope and magnitude sufficient to accommodate the massive mining trucks that will be stored, maintained and serviced in the facility and which will operate on the proving grounds. The building and facility (hereinafter, the "**Facility**") to be constructed upon the land will consist of approximately 63,000 square feet of interior building space and the entire physical structure, including foundations, slab and all vertical components, will be the property of Asarco upon expiration or termination of the Lease. Further, while the interim use of the Facility will be by Komatsu, upon expiration or termination of the use, the Facility and the proving grounds will continue to be used for mining purposes by Asarco, its affiliates or successors, or another user in a manner consistent with the CUP or exempt as a mining use.

In view of the foregoing, including Asarco's ownership of the land and the structure being on Asarco's property, certain details of the construction of the Facility (including the height of the structure to be erected) are considered to be exempt from zoning limitations or restrictions as inherently mining in nature, and this CUP application is submitted based on that understanding following advice and counsel of Pima County staff.

a. Proving Ground.

Komatsu will, as indicated, use land located west of the Mission pit as a proving ground for the testing and development of mining trucks. Komatsu's testing activities will be conducted entirely on the Mission mine property and predominantly on land already disturbed for mining purposes. Komatsu's testing activities will be in the nature of earth-moving, digging, contouring, terracing, and other activities relating to equipment operation, testing, and

development. There will be additional support equipment used in the operation, including wheel loaders, water trucks for dust control on the test roads, and various road maintenance and lifting equipment.

b. Location of Storage and Maintenance Facility.

The Facility to be built shall be permanently affixed to the land on a currently undisturbed portion of the Mission Mine Property owned by Asarco. The location shall be evaluated in accordance with applicable Pima County ordinances, including those pertaining to Floodplain Management, Conservation Lands System, and other regulations. It is understood that approval of the CUP and ultimate development plan may be contingent upon the setting aside of natural area or open space at a 2:1 ratio to newly disturbed natural desert vegetation, and compliance with certain wash setbacks for erosion hazard and other purposes, presently estimated to be less than 75 feet.

IV. USE COMPATIBLE WITH SURROUNDING AREA.

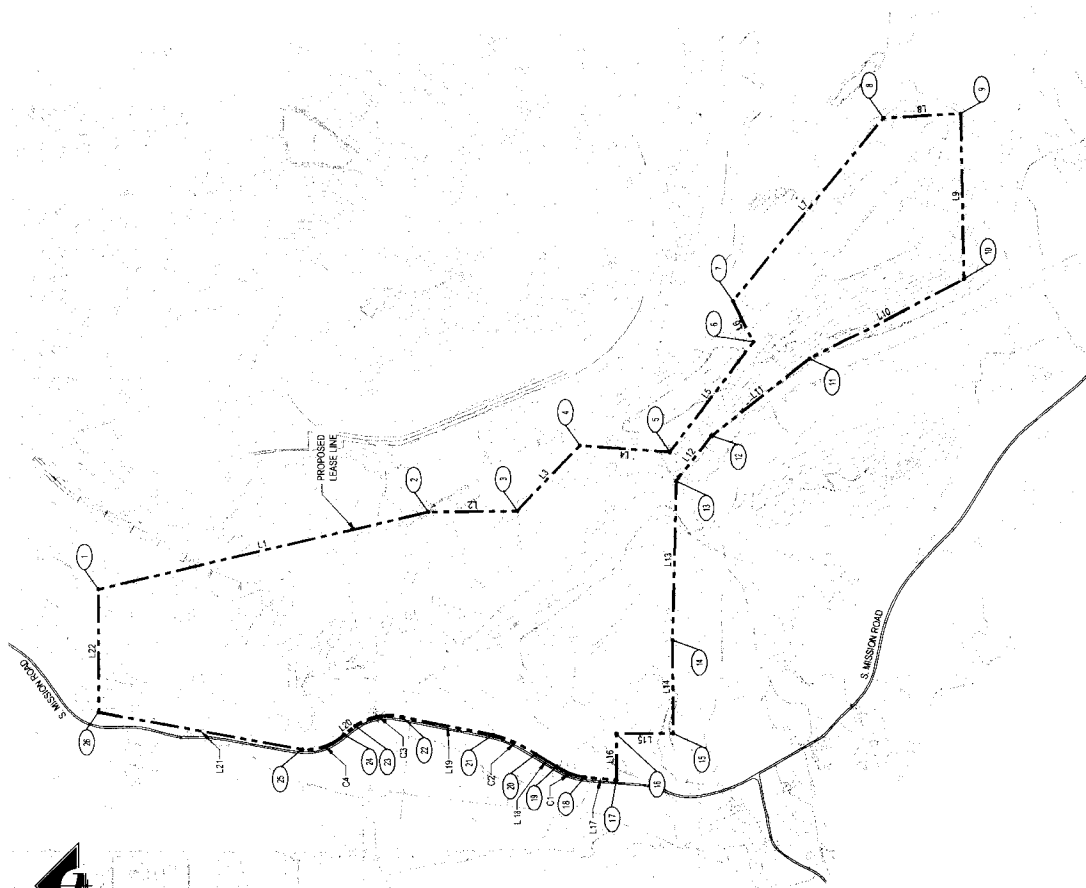
Komatsu's testing activities will complement the surrounding area by preserving the character of the existing mining site while promoting the area's economic development. The Komatsu proving ground will be a graded area of existing mining roads and dirt pathways, as well as earthen mounds and areas of mining overburden, all maneuvered by mining trucks for testing purposes. Komatsu's mining-related activities are nearly indistinguishable from other mining activities in their physical manifestation, except that Komatsu's mining-related activities will create less of a disturbance than other mining activities such as excavating, as Komatsu will be digging and working predominantly on land already disturbed and then filling, reshaping and otherwise working, replacing and re-contouring the disturbed areas. Further, because of the extremely high backdrop of currently existing elevated mining overburden, the activity of Komatsu will be dwarfed in comparison to ordinary mining activity, and the maneuverings by Komatsu, particularly due to the topography of the land, will be much less noticeable than the general activity of copper mining itself.

Not only will Komatsu's proving activities resemble Asarco's mining activities, but Komatsu's requested CUP is similar in size and scope to a number of other Type II Conditional Use Permit classifications allowed in rural areas by Section 18.13.030 (B) of the Pima County Zoning Code. For example, Komatsu's activities will include the testing and repair of large vehicles and machinery, similar to the testing and repair activities typically found in a busy contractor's yard or a large-scale automotive repair center. Komatsu's activities will be conducted on expansive dirt fields, roads, pits and mounds, similar to the expansive dirt grounds found at rural fairgrounds and other large outdoor sites. Komatsu's proposed testing activities, like the other enumerated permitted uses, will further the purpose of the RH zone by preserving the character and encouraging the orderly growth of this rural area in Pima County.

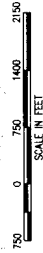
Finally, Komatsu must conduct its testing activities on mining sites such as the Mission Mine Property because there are no reasonable alternatives expansive enough and suitable to accommodate the operation, testing, maintenance, and storage of trucks and equipment of such massive size and scope. Approval of this Type II CUP will enable Komatsu to commit to

establishing a new proving ground at the Mission Mine Property and maintain its activities and economic presence in Green Valley, all without materially disturbing the natural habitat or otherwise disrupting the existing character of this rural area of Pima County.

LEASE BOUNDARY



PLAN VIEW
SCALE 1" = 750'



LINE TABLE		
NUMBER	LENGTH	BEARING
L1	4453.57	S 17° 58' 57" E
L2	1189.11	S 0° 14' 31" E
L3	1200.91	S 46° 35' 36" E
L4	1194.46	S 1° 33' 34" W
L5	1815.09	S 62° 38' 56" E
L6	610.60	N 64° 07' 46" E
L7	3123.31	S 30° 22' 10" E
L8	1017.67	S 5° 04' 04" E
L9	2168.76	S 89° 12' 45" W
L10	2280.72	N 27° 16' 59" W
L11	1635.06	N 38° 12' 22" W
L12	759.20	N 52° 10' 46" W
L13	2127.01	N 88° 35' 54" W
L14	1235.09	S 89° 47' 58" W
L15	744.86	N 0° 00' 00" E
L16	606.06	N 90° 50' 00" W
L17	412.79	N 5° 14' 10" E
L18	321.94	N 31° 21' 19" E
L19	1220.54	N 11° 36' 40" E
L20	190.36	N 37° 32' 12" W
L21	2719.41	N 0° 42' 36" E
L22	1930.07	N 90° 00' 00" E

POINT TABLE		
POINT #	NORTHING	EASTING
1	383705.00	757705.00
2	387988.16	759777.96
3	387599.07	759222.91
4	386774.85	759696.32
5	355994.14	759602.17
6	344402.03	769445.04
7	347498.35	761484.52
8	32774.22	763881.54
9	351738.07	763845.04
10	35128.00	761754.44
11	353757.42	760718.71
12	355045.17	759711.18
13	359510.70	759117.46
14	355563.25	759885.10
15	355568.62	759750.08
16	356302.48	759750.08
17	356302.48	759144.10
18	356714.55	759183.73
19	357685.45	759317.20
20	357760.84	759485.11
21	357921.77	759144.52
22	359111.13	759696.14
23	359726.46	759079.41
24	359867.09	759703.06
25	360432.46	759669.60
26	363105.00	759075.00

CURVE TABLE			
NUMBER	RADIUS	LENGTH	CHORD BEARING DELTA
C1	500.04	386.32	202.33° N 20° 12' 29" E 24° 46' 21"
C2	1733.09	623.05	314.92° N 25° 05' 16" E 20° 35' 52"
C3	755.66	640.14	348.52° N 10° 29' 43" W 48° 38' 34"
C4	738.75	594.36	314.43° N 10° 32' 27" W 40° 12' 26"

NOTES

REFER TO
ARIZONA STATE LAND COMMISSION
STATE OF ARIZONA
THE MEXICALI-HIGHWAY
RIGHT OF WAY MAP DATED JUNE, 1920
FOR A COMPLETE DESCRIPTION OF THE
MEXICALI-HIGHWAY RIGHT-OF-WAY
INFORMATION

CALCULATIONS

TOTAL AREA = 688.68 ACRES

KOMATSU
AMERICA CORPORATION
ARIZONA PROVING GROUNDS
MAMMOET MOUNTAIN SITE
PINAL COUNTY, ARIZONA

TUCSON

INTERSTATE 19
VALENCIA RD
S MISSION RD
S SAHUARITA RD

KEY MAP
NTS

PARCEL NUMBERS

WITHIN LEASE BOUNDARY

303-04-010
303-04-011
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CALCULATIONS

TOTAL AREA = 654.00 ACRES

UNDISTURBED AREA "A" = 9.47 ACRES

UNDISTURBED AREA "B" = 7.00 ACRES

UNDISTURBED AREA "C" = 21.30 ACRES

TOTAL UNDISTURBED AREA = 37.80 ACRES

MAX. TITLE SITE MANAGEMENT AREA "A" = 200.00 ACRES

PROPOSED TRUCK SHOP AREA "DISTURBED AREA" = 11.80 ACRES

PROPOSED TRUCK SHOP AREA "DISTURBED AREA" WITHIN "A" = 1.00 ACRES

[illegible]

SCALE IN PPTs

Author's address: Department of Psychology, University of Cambridge, 18a Avenue Road, Cambridge CB3 9ET, UK. E-mail: ajm22@cam.ac.uk

15001745

KEY NOTES

1. CONCRETE PAVING ALL PARKING SPACES SHALL BE CURED WITH CONCRETE CURE
2. STAFF VEHICLE ENTRANCE 14' WIDE
3. 8' WIDE DECORATIVE SPURVEYAL
4. PRIMARY 5' WIDE ASPHALT DRIVEWAY, 1'
5. EXTERIOR CONCRETE FINISH
6. FUELING STATION
7. TRUCK WASH
8. 8' HIGH 18" WIDE BERM
9. 15' WIDE ACCESS ROAD
10. WATER TREATMENT BLDG
11. 12" DIAMETER DOMESTIC WATER TANK
12. DOMESTIC WATER PUMP SYSTEM
13. AIR AGG. CANOPY STRUCTURE
14. EXISTING WASH TO REMAIN
15. LINE OF EXISTING RIPRAP AREA
16. HAUL TRUCK READY LINE VEHICLE PARKING
17. 24' WIDE CHAIN LINK FENCE
18. SITE FENCE LOCKABLE GATE
19. DELIVERY ENTRY GATE
20. 300 GALLON SHOP & FIRE WATER TANK 4' DIAMETER 12' HIGH
21. LOCATED AT WASTE ROCK DUMP
22. PAVING ROUTED DOWN TO BLDG SITE
23. 6" PIPE LINE TO WASTE WATER SUPPLY
24. 6" WIDE STAKE PARTS STORAGE
25. 10' WIDE STAKE AREA WITH PRE-ENGINEERED CANOPY
26. STRUCTURE
27. TRUCK ELECTRIC COOP PAD MOUNTED SERVICE TRANSFORMER AND CONCRETE PAD
28. UNDERGROUND PRIMARY FEEDER PER TRUCK ELECTRIC ROUTED TO EXISTING TRUCK POWER POLE TO BE RELOCATED SEE KEYNOTE 28 FROM NEW POWER POLE LOCATION
29. RELOCATED TRUCK POWER POLE
30. UNDERGROUND SERVICE LATERAL
31. EMERGENCY ENGINE GENERATOR
32. EXISTING ACCESS GATE AND ACCESS ROAD TO REMAIN
33. 10' WIDE STAKE AREA WITH PRE-ENGINEERED CANOPY
34. LINE OF 25' SETBACK FROM WASH

GENERAL NOTES

1. BUILDING HEIGHT IS 8'6" TO RIDGE



SITE PLAN
SCALE: 1" = 100'



PRELIMINARY
NOT FOR CONSTRUCTION

AS101

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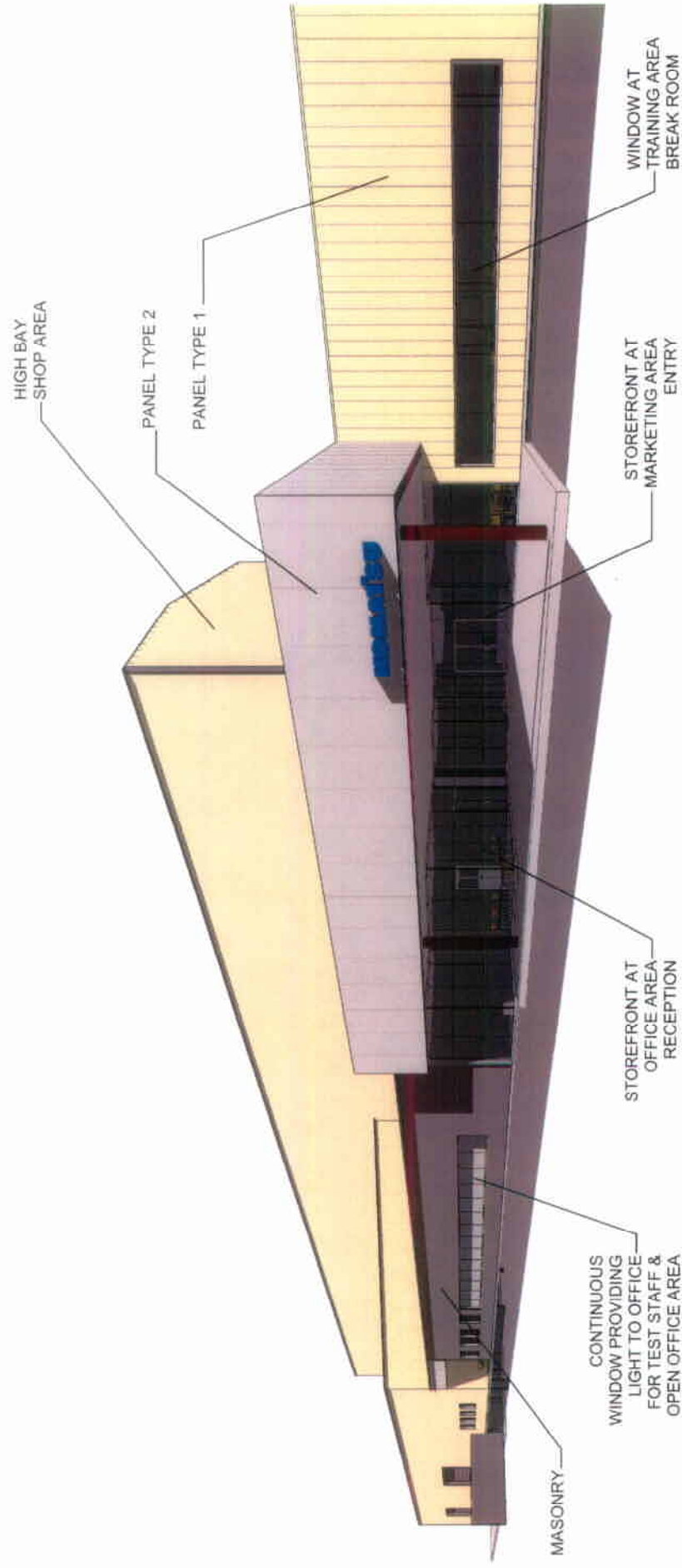
SITE
DEVELOPMENT
PLAN

Revisions

Rev.	Date	Description
01	01-15-2023	Initial Design
02	01-15-2023	Final Design
03	01-15-2023	Final Design
04	01-15-2023	Final Design
05	01-15-2023	Final Design
06	01-15-2023	Final Design
07	01-15-2023	Final Design
08	01-15-2023	Final Design
09	01-15-2023	Final Design
10	01-15-2023	Final Design

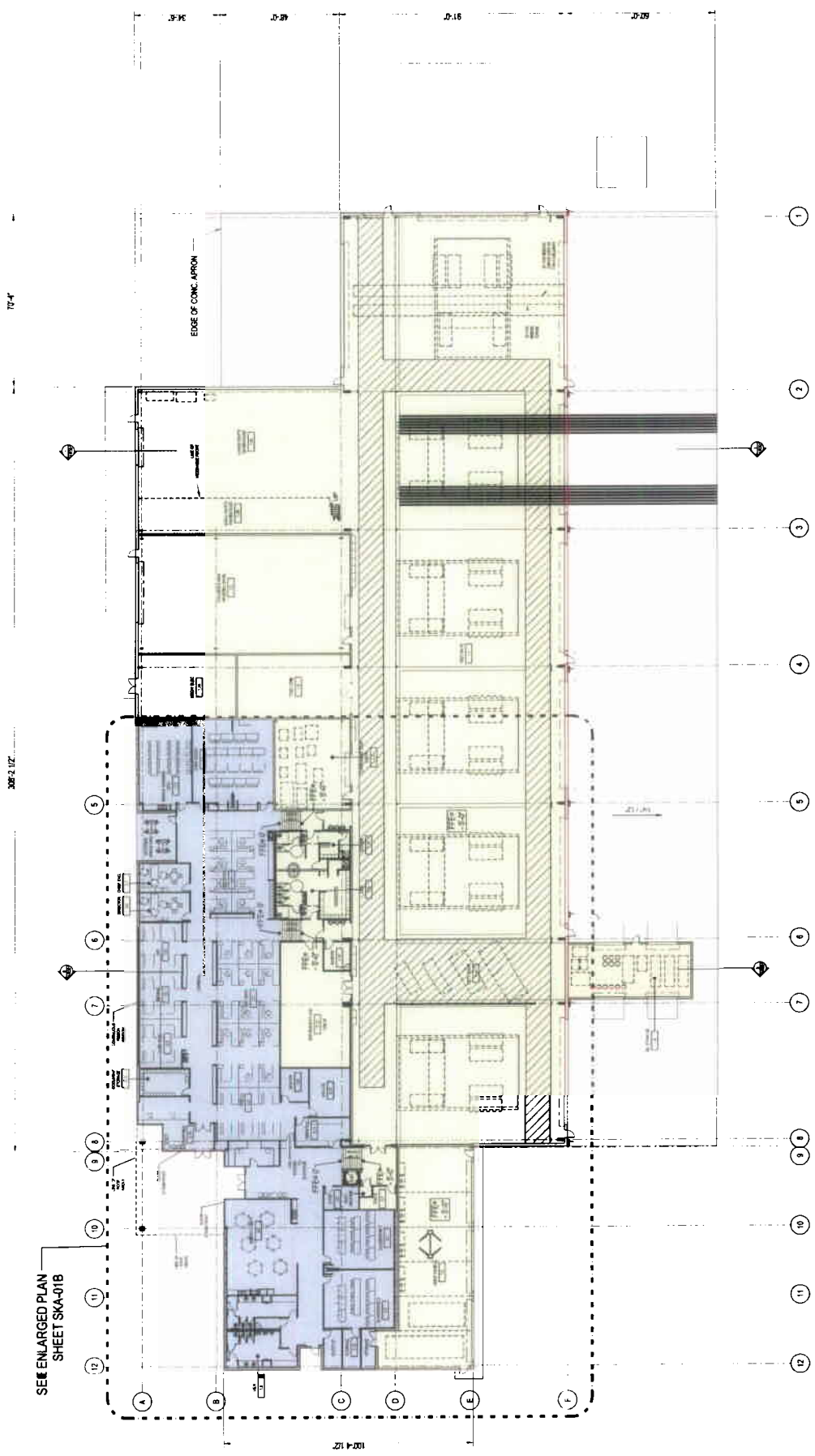


KOMATSU
AMERICA CORPORATION
ARIZONA PROVING GROUNDS
15000 WILSON ROAD
MESA, ARIZONA 85205



Preliminary West Facade

DATED 9-20-2013



TOTAL AREA (ENCLOSED)
69,315 SF

OVERALL FLOOR PLAN
SCALE 1/16" = 1'-0"

LEGEND

- AREA SET 5'-0" BELOW FINISH FLOOR ELEVATION (FFE) TO COORDINATE WITH SITE GRADING
- AREA AT FINISH FLOOR ELEVATION (FFE) TO COORDINATE WITH SITE GRADING



AREA AT FINISH FLOOR
ELEVATION (FFE) TO COORDINATE
WITH SITE GRADING

Thomas Drzazgowski

From: jiligg@hushmail.com
Sent: Saturday, November 23, 2013 7:36 PM
To: Thomas Drzazgowski
Subject: RE: Komatsu hearing

Follow Up Flag: Follow up
Flag Status: Flagged

Thomas

I wanted to clarify the Asarco light and noise pollution issue. Following is part of an email I am sending to Jack Neubeck of AZ Planning Co. If you think this is pertinent, please forward to Jim Portner. TY Jili Gabriel

I am hoping to explain what I believe to be a misunderstanding of the Asarco activities near our homes as presented by Jim Portner during the Use Hearing on Nov 21, 2013. When Asarco was covering up the vegetated hills and the Pioneer Rock Landscaping Material Plant, that process only took about 4-5 months (not a year). The intensity of the noise and light grew during the process of dumping the tailings and destroying the desert vegetation. Depending on the area they worked on determined the light/noise pollution. Campfires, pot-lucks and gatherings at the Chilson home were difficult during this time as the noise was so loud at intervals that we could not hear each other in conversation. However, we knew this was a temporary situation as Asarco had given Ms. (Donna) Gael Chilson a completion date. With the exception of the Pioneer project, from where we live the tailings dumps do provide a buffer from noise and light most of the time. At this time the light is minimal and occasional.

fyi: interesting factoid - In the late 1930's or early 1940's Gael's father was a geophysics prospector and found the original copper strike from which this all grew!

Sent using Hushmail

On Friday, November 22, 2013 at 1:15 PM, "Thomas Drzazgowski" <Thomas.Drzazgowski@pima.gov> wrote:

The Hearing Administrator's name is Jim Portner. He is not a Pima County employee so he does not work for a particular department. I can send him your email.

Tom D.

From: jiligg@hushmail.com [mailto:jiligg@hushmail.com]
Sent: Friday, November 22, 2013 8:14 AM
To: Thomas Drzazgowski
Subject: Komatsu hearing