

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 7/1/2025

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

*Title:

P25CU00006 DAY ET AL - E. SAHUARITA ROAD

*Introduction/Background:

Darrell Rodney Day, et al, represented by James McMurtrie, requests a Type II Conditional Use Permit for a contractor's yard in accordance with Section 18.13.030.B.22 of the Pima County Zoning Code in the RH (Rural Homestead) zone, addressed as 6901 E. Sahuartia Road. (District 4)

*Discussion:

The owner requests a Type II Conditional Use Permit to construct a contractor's yard. The property lies outside the Maeveen Marie Behan Conservation Lands System.

*Conclusion:

Approval of the conditional use permit would allow the owner to build a contractor's yard.

*Recommendation:

The Hearing Administrator and staff recommend APPROVAL of the Type II Conditional Use Permit subject to standard and special conditions.

*Fiscal Impact:

*Board of Supervisor District:

None

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Department: Development Services, Planning	Telephone: (520) 724-6675	
Contact: Spencer Hickman, Planner II	Telephone: (520) 724-6498	
Department Director Signature:	2 For	Date: 6 12 25
Deputy County Administrator Signature:		Date: 4/13/2025
County Administrator Signature:	fW	Date: 6/14/2015



TO:

Honorable Steve Christy, District 4

FROM:

Chris Poirier, Director

Public Works-Development Services Department-Planning Division

DATE:

June 10, 2025

SUBJECT:

P25CU00006 DAY ET AL - E. SAHUARITA ROAD

(Conditional Use Type II - Contractor's Yard)

The above referenced Conditional Use Permit is within your district and is scheduled for the Board of Supervisors' **TUESDAY**, **JULY 1**, **2025** hearing.

REQUEST: For a Type II Conditional Use Permit for a contractor's yard in accordance with

Section 18.13.030.B.22 of the Pima County Zoning Code in the RH (Rural Homestead) zone located north of E. Sahuarita Road, approximately 3,700 feet east of the intersection of E. Sahuarita Road and S. Wilmot Road, addressed as

6901 E. Sahuarita Road.

OWNERS:

Darrel Rodney Day, et al

PO Box 1249

Sahuarita, AZ 85629

DISTRICT:

4

STAFF CONTACT: Spencer Hickman, Planner II

PUBLIC COMMENT TO DATE: As of June 10, 2025, staff has not received any public comment.

<u>HEARING ADMINISTRATOR RECOMMENDATION</u>: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS): The project is located outside the Maeveen Marie Behan Conservation Land System.

TD/SH/ds Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P25CU00006

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FOR JULY 1, 2025 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Director

Public Works-Development Services Department-Planning Division

DATE:

June 10, 2025

ADVERTISED ITEM FOR PUBLIC HEARING

CONDITIONAL USE PERMIT

P25CU00006 DAY ET AL - E. SAHUARITA ROAD

Darrell Rodney Day et al, represented by James McMurtrie requests a Type II Conditional Use Permit for a contractor's yard in accordance with Section 18.13.030.B.22 of the Pima County Zoning Code, in the RH (Rural Homestead) zone, located north of E. Sahuarita Road approximately 3,700 feet east of the intersection of E. Sahuarita Road and S. Wilmot Road, addressed as 6901 E. Sahuarita Road. Staff and the Hearing Administrator recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Summary of Hearing Administrator Hearing (May 14, 2025)

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on May 14, 2025. The hearing was held in "hybrid" fashion, with both an inperson and online/virtual option for attending. The applicant and owner appeared, presented the application, and answered all of the Hearing Administrator's questions. No (0) members of the public attended via either forum and no public comment had been received prior to the hearing.

After visiting the subject property, considering the facts and lack of public testimony in this case, together with the materials submitted by the applicant, the Hearing Administrator recommends APPROVAL of this request for a Type II conditional use permit for a contractor's yard. 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 promulgated by staff:

Standard Conditions & Requirements pre the Pima County Zoning Code

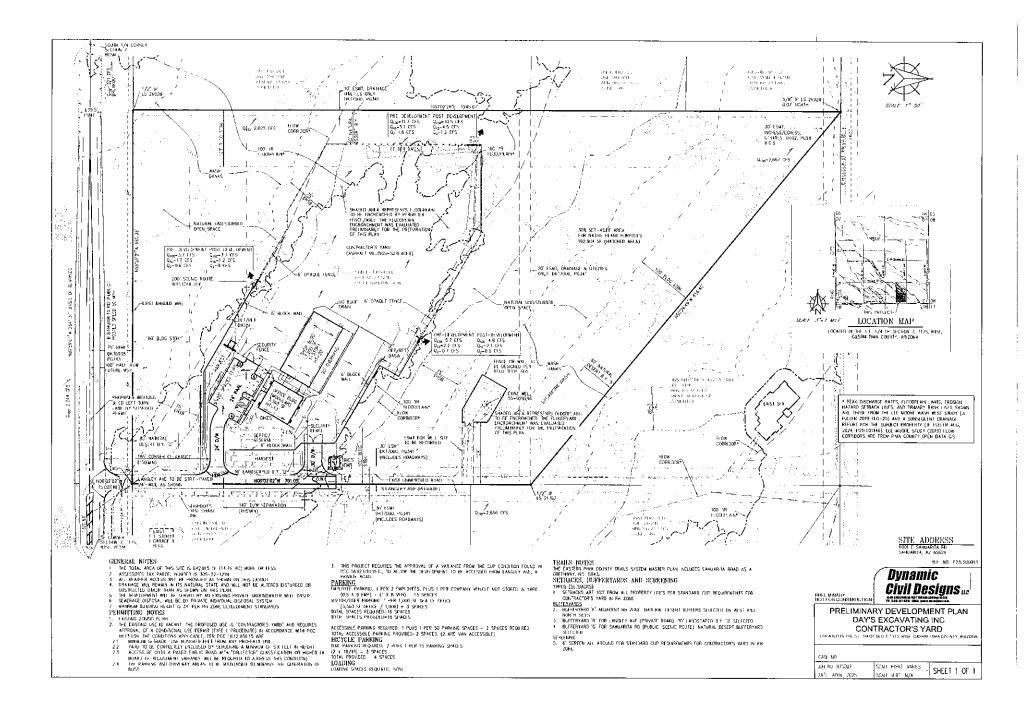
 A contractor's yard is allowed in the RH zone as a conditional use per Section 18.13.030.B.22. P25CU00006 Page 2 of 2

Special Conditions - Hearing Administrator

- The proposed use is subject to approval of a site construction permit (SCP).
 Regional Flood Control District review and approval is required at the time of the permitting.
- 3. Encroachment into the Lee Moore Wash West Flow Corridor is prohibited.

TD/SH/ds Attachments

C: Darrel Rodney Day, et al





P25CU00006

Page 1 of 5

FOR BOARD OF SUPERVISORS JULY 1, 2025 PUBLIC HEARING

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Jim Portner, Hearing Administrator

DATE:

May 19, 2025

DOCUMENT:

P25CU00006

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Darrell Rodney Day, et. al., represented by James McMurtrie, requests a **Type II Conditional Use Permit for a contractor's yard**, in accordance with Section 18.13.030.B.22 of the Pima County Zoning Code, in the RH (Rural Homestead) zone, located north of E. Sahuarita Road approximately 3,700 feet east of the intersection of E. Sahuarita Road and S. Wilmot Road, addressed as 6901 E. Sahuarita Road. (District 4)

CASE BACKGROUND AND PARTICULARS

This is a request to approve a conditional use permit for a contractor's yard (including a small modular office building) on currently vacant property. The owner and applicant have already completed a detailed preliminary development plan and have coordinated extensively with the Regional Flood Control District (RFCD) and Department of Transportation (DOT). Same have also reviewed this conditional use permit application and have no objection to its approval.

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 May 14, 2025. The hearing was held in "hybrid" fashion, with both an inperson and online/virtual option for attending. The applicant and owner appeared, presented the application, and answered all of the Hearing Administrator's questions. No (0) members of the public attended via either forum and no public comment had been received prior to the hearing.



HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property, considering the facts and lack of public testimony in this case, together with the materials submitted by the applicant, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit for a contractor's yard. 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 promulgated by staff:

Standard Conditions & Requirements per the Pima County Zoning Code

1. A contractor's yard is allowed in the RH zone as a conditional use per Section 18.13.030.B.22.

Special Conditions

- 1. The proposed use is subject to approval of a site construction permit (SCP).
- 2. Regional Flood Control District review and approval is required at the time of permitting.
- 3. Encroachment into the Lee Moore Wash West Flow Corridor is prohibited.

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 *Medium Intensity Rural* (*MIR*), the 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 use proposed here is thoroughly consistent with this purpose, in that Sahuarita Road is a designated "major street" on the County's *Major Streets & Routes Plan*, and the site's RH zoning already allows, by right, a variety of uses that can be far more impactful than the one proposed here.



With the above being the case, the Hearing Administrator finds that the proposed conditional use permit application is not in conflict with the Comprehensive Plan.

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 has no negative impacts upon any adjacent property and that same and their permitted uses are appropriately safeguarded.

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

The property has nearby access to E. Sahuarita Road, a paved public arterial that is deemed a "major route" on the adopted *Major Streets & Routes Plan*. The owner will provide paved access from their property to this arterial. 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.

Parking requirements will be reviewed by staff at the time of site construction permit (SCP) review and final permitting.

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 proposed contractor's yard poses no significant public threat in any of the above ways. Dust control is the only pertinent concern, and this will be largely mitigated by the site's adherence to DOT's adopted Subdivision & Street Design Standards (SSDS) at the time of site construction permit (SCP) review and approval.

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

Hours of operation are not viewed as a material issue in this case.

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

Required setbacks and landscape buffers shall be verified by staff at the time of site construction permit (SCP) review and final permitting.

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 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

The subject property lies **OUTSIDE OF** the MMB-CLS, as is much of the entire surrounding region, except for certain Important Riparian Areas (IRA's) associated with the Lee Moore Wash.

Staff Commentary on Biological Impacts

The Hearing Administrator has reviewed this application in light of Pima County's adopted environmental policies. As the property lies OUTSIDE OF the Conservation Lands System (CLS), and given further that the entire project has been designed to avoid and set-aside existing natural drainage resources on the property, it is found that that no CLS mitigation is required and the application will have no adverse impacts on Pima County's adopted environmental policies.

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 not located within the Priority Conservation Area (PCA) for this species.

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

Pima Pineapple Cactus. The subject property is located within the Priority Conservation Area (PCA1) for this species, as is the entire region surrounding this property.

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

RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION (DOT) AND BY THE REGIONAL FLOOD CONTROL DISTRICT (RFCD):

The Department of Transportation (DOT) and the Regional Flood Control District (RFCD) have reviewed this application and both have indicated that they have no objection to the request. *Special Conditions* have been incorporated in the above recommendation to address their input.

attachments

cc: Chris Poirier, Director, Development Services
Dan Ice, Chief Building Official
Tom Drzazgowski, Chief Zoning Inspector
Darrell Rodney Day, Owner
James McMurtrie, Dynamic Civil Designs, Applicant



MEMORANDUM

PUBLIC HEARING - May 14, 2025

REVISED on MAY 13, 2025

DATE:

May 8, 2025

TO:

Jim Portner, AICP, Hearing Administrator

FROM:

Spencer Hickman, Planner II

SUBJECT:

P25CU00006 DAY ET AL - E. SAHUARITA ROAD

Type II Conditional Use Permit

Scheduled for public hearing on May 14, 2025

LOCATION:

The project location is located on the north side of E. Sahuarita Road, approximately 3,700 feet east of the intersection of E. Sahuarita Road and S. Wilmot Road. The project area totals approximately 14.76 acres on parcel 305-22-121N, addressed as 6901 E. Sahuarita Road. The property is zoned RH (Rural Homestead).

SURROUNDING LAND USE OR CONTEXT:

The subject parcel is located immediately at the northwestern corner of Sahuarita Road and S. Langley Avenue, which is a private unpaved easement. The property is zoned RH. All adjacent properties are zoned RH and are a combination of vacant and developed with low-density residential uses. There are no structures on the property currently, and there is currently a small amount of graded area on the property.

PUBLIC COMMENT:

As of the writing of this report, May 8, 2025, staff has received no items of public comment.

PREVIOUS CASES ON PROPERTY:

No previous cases on the property.

BACKGROUND INFORMATION

The project proposal is to operate a contractor's yard. Section 18.13.030.B.22 of the Pima County Zoning Code permits contractor's yards as a permitted use with the approval of a Type II conditional use permit.

The project area is approximately 643,000 square feet of area containing small amounts of existing grading with no structures. There is one access point onto Langley Avenue, very near the intersection with Sahuarita Road.

The provided site plan shows the two new structures to be developed in the southeastern area of the lot, with a contractor's yard reaching out the northwest of the structures. The buildings include a 3,360 square-foot office building and a 7,200 square-foot shot building. The yard area is shown as surfaced with asphalt millings. There are two proposed access points to the property, both to the east of the development onto Langley Av. Langley Av is shown to be paved by the

applicant from the intersection at Sahuarita Road to the northern of the two access points. The southern access leads to the proposed parking are, which is shown as paved. The developed area of the property is fenced, while much of the property, particularly north of the proposed use, is not being developed, much designated as natural undisturbed open space.

DEPARTMENT COMMENTS

Regional Flood Control Department

The District has reviewed the application and site conditions for the Conditional Use Permit for a contractor's yard located at 6901 East Sahuarita Road and offers the following informational comments:

- 1. The project is not impacted by a federal floodplain. Therefore, the Federal Emergency Management Agency Special Flood Hazard Area designation for this parcel is Zone X.
- 2. Regulated Riparian Habitat is not mapped on the subject property.
- 3. The subject parcel is entirely located within local floodplain and flow corridor as a result from the District Lee Moore Wash West District Special Study effective February 28, 2019. The applicant had correspondence with the District prior to the Conditional Use Permit submittal in effort to locate the development footprint within an area the District found acceptable and within the least hazardous, given the entire site is within a local floodplain. The District requested the applicant to locate the development footprint outside the Lee Moore Wash West Flow Corridor and the CUP site plan does show the development outside said flow corridor. To ensure future development will stay out of the Lee Moore Wash West Flow Corridor a development condition will be provided.
- 4. The subject property has a network of 8 regulatory washes which is characteristic of a District mapped local floodplain. The regulatory washes have an associated erosion hazard setback where structures are prohibited within the setback. The location of the structures are not within the erosion hazard setback.

The District has no objection to the conditional use permit, subject to conditions #2-3 below:

Department of Transportation Comments

The Department of Transportation has no objection to the proposed use. The development shall meet the requirements of the Subdivision and Development Street Standards and any Department of Transportation requirements at time of development plan submittal.

STAFF RECOMMENDATION

Section 18.13.030.B.22 of the Pima County Zoning Code permits contractor's yards as a permitted use with the approval of a Type II conditional use permit. Staff recommends APPROVAL of the Type II Conditional Use Permit with the following conditions:

- 1. Proposed use is subject to approval of a site construction permit.
- 2. Regional Flood Control District review and approval is required at the time of permitting.
- 3. Encroachment into the Lee Moore Wash West Flow Corridor is prohibited.
- c: Tom Drzazgowski Chief Zoning Inspector
 Darrell Rodney and Barbara Rachelle Day Owner

James McMurtrie, PE - Applicant

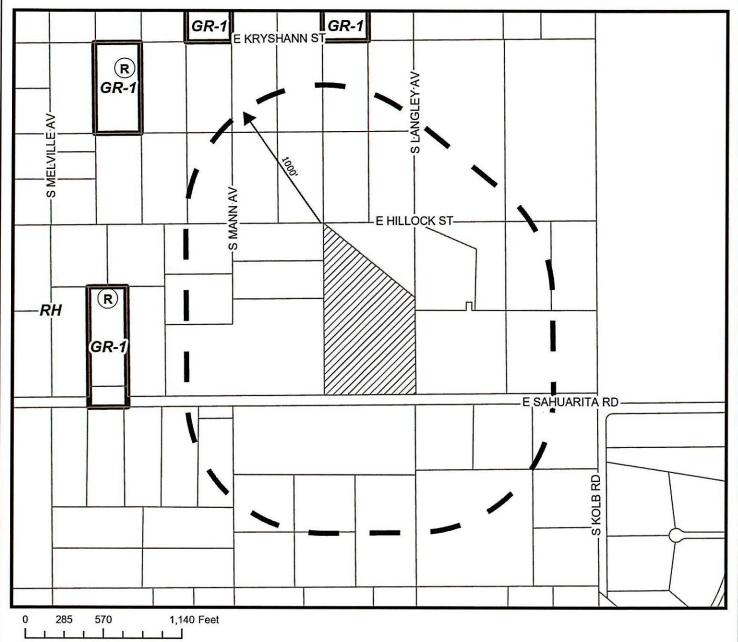
Case #: P25CU00006 Case Name: DAY, ET AL - E. SAHUARITA ROAD

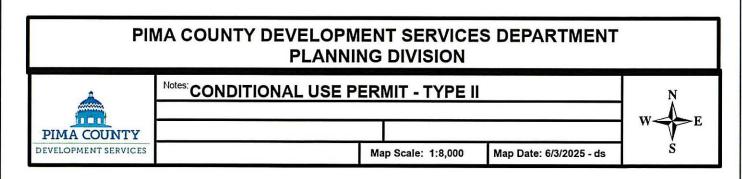
Tax Code(s): 305-22-121N

Zoning Boundary

1000' Notification Area

Subject Parcel







201 N. Stone Avenue, Tucson, AZ 85701 (520) 724-9000 www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable.
3) Save completed form to computer. 4) Submit completed form to Pima County Development
Services. If you fill out the form before you download it, the info you entered will not be saved.

Project ID (case no., APN no., address, or other identifying info):

6901 E Sahuarita Rd APN 305-22-121D(Recently split by MLD)

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) NA

Important Riparian Area Biological Core Multi-Use Management Area

- 2. Is the project within a CLS Special Species Management Area? SELECT
- 3. Is the project in the vicinity of any of the six Critical Landscape Linkages? SELECT
- 4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? SELECT
- 5. Is the project located within a Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl: SELECT
 - b. Western burrowing owl: SELECT
 - c. Pima pineapple cactus: SELECT
 - d. Needle-spined pineapple cactus: SELECT

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

- Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No
 If yes, provide a summary of those communications:
- 2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.



Conditional Use Permit Application

Property Owner: Darrell Rodney Day & Barbara Rachelle Day CP/RS Phone: 520 625-2788					
Owner's Mailing Address, City, State & Zip: PO Box 1249 Sahuarita AZ 85629					
Applicant (if different from owner): James McMurtrie PE Phone: 520 461-8016					
Applicant's Mailing Address, City, State & Zip: 4690 N Melpomene Way Tucson AZ 85749					
Applicant's or Owner's Email Address: james.mcm@live.com					
Property Address or Tax Code: 6901 E Sahuarita Rd 305-22-121N					
Type of Use Proposed for the Property: Contractor's Yard - A modular office building, a metal					
shop building and contractor's yard covered with asphalt millings or gravel to be used					
for materials and equipment storage.					
Discuss the proposed use and it's compatibility with the surrounding area: The development will					
have 100' setbacks from all property lines, a 6' opaque screen on all sides, wide natural					
desert bufferyards on the south, west and north, and a landscaped bufferyard on the east. For dust control, the parking lot will be paved and the yard will be covered in asphalt millings. The applicant agrees to contact the Regional Flood Control District to discuss the proposal prior to application submittal.					
The applicant agrees to contact United States Fish and Wildlife Service at scott-richardson@fws.gov and provide a written notice that an application for a conditional use permit has been submitted a minimum of 15 days prior to the public hearing date.					
This application is for a (Select one): ☐ Type I Conditional Use ☐ Type II Conditional Use ☐ Type III Conditional Use					
Terms and Conditions I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.) Date: 4/8/2025					

Legal Description of Subject Parcel

A parcel of land located within the Southeast quarter of Section 7, Township 17 South, Range 15 East, Gila and Salt River Base and Meridian, Pima County, Arizona, being a portion of Parcel 14 of AVIS ACRES as recorded in Book 2 at Page 98 of Records of Surveys, using boundary survey information shown on Record of Survey Book 55 at Page 65 in the Pima County Records, Pima County, Arizona. Said parcel being more particularly described as follows:

Commencing at the Southeast Comer of said Section 7, from which the South Quarter Corner of said Section 7, bears North 89°59'0" West, a distance of 2,641.37 feet;

Thence North 00°01'47" West, along the said Southeast Quarter, a distance of 75.00 feet;

Thence North 89° 59' 01" West, parallel to and 75.00 feet north of the south line of said Southeast Quarter, a distance of 1,320.69 feet, to the Southeast corner of the aforementioned Parcel 14 of Avis Acres and the POINT OF BEGINNING;

Thence continue North 89°59'01" West, a distance of 660.35 feet;

Thence North 00°02' 28" West, a distance of 1,245.67 feet, to a point on the north line of said Parcel 14;

Thence South 50°29'49" East, a distance of 856.46 feet, to the east line of Parcel 14;

Thence South 00°02'02" East, along the east line of Parcel 14, a distance 701.05 feet, to the "POINT OF BEGINNING".

List of all ownership interests in the property:

Title is vested in: Darrell Rodney Day and Barbara Rachelle Day, husband and wife as community property with right of survivorship.

LETTER OF AUTHORIZATION

As required by Arizona Revised Statues I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

6901 E SAHUARITA RD

Property Address

CONDITIONAL USE PERMIT

Type of Permit Applied for: (SFR MH Remodel Addition/Tence or Wall Home Occupation Child Care Adult Care Secondary Dwelling Assisted Living Group Home)

James McMurtrie Digitally signed by James McMurtrie Date: 2025.01.28 09:51:42 -07'00'	1/28/2025
Signature of Applicant	Date
AUTHORIZED BY:	
Danell Reply	1/29/2025
Signature of Property Owner	Date