BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 16, 2018

Title: P18TA00004 FOOD ACCESS #2 - NEIGHBORHOOD MARKET ZONING CODE TEXT AMENDMENT

Introduction/Background:

Many areas of rural Pima County are classified as 'food deserts' - areas with low income populations and low access to grocery stores. These areas have low access to fresh, healthy food.

Discussion:

The Pima County Zoning Code permits grocery stores of 4000 square feet in area, maximum, under the Type II Conditional Use Permit (CUP) process, in the RH Rural Homestead and GR-1 Rural Residential zones. The text amendment would permit a 'neighborhood market,' a grocery of up to 15,000 square feet in area, maximum, under the Type I CUP process, as long as 10% of the floor sales area is dedicated to the sale of fresh food (fruits, vegetables, dairy, eggs, meat, fish or poultry).

Conclusion:

The text amendment would provide incentives (reduced regulatory requirements, waived or modified development requirements at discretion of Hearing Administrator) to establish grocery stores that stock fresh food in rural areas of the county, providing opportunities to increase healthy food access in food desert areas.

Recommendation:

Staff recommends APPROVAL of the proposed text amendment for neighborhood markets to increase access to fresh food in rural areas of the county.

Fiscal Impact:

n/a

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

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Department: Development Services Telephone: 724-9000

Contact: Mark Holden, Principal Planner Telephone: 724-6619

Department Director Signature/Date: 9/27/18

Deputy County Administrator Signature/Date: 10/2/18

County Administrator Signature/Date: C. Dahlberg 10/2/18

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Board of Supervisors

FROM: Chris Poirier, Planning Official Tom Drzazgowski
Public Works-Development Services Department-Planning Division

DATE: September 24, 2018

SUBJECT: **P18TA00004 FOOD ACCESS #2 – NEIGHBORHOOD MARKET IN RH RURAL HOMESTEAD AND GR-1 RURAL RESIDENTIAL ZONES ZONING CODE TEXT AMENDMENT**

The above referenced Zoning Code Text Amendment is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 16, 2018** hearing.

REQUEST: Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.03 (General Definitions), Section 18.03.20 (Definitions), to provide a definition for a neighborhood market; and Chapter 18.13 (RH Rural Homestead Zone), Section 18.13.030 (Conditional Uses) and Chapter 18.14 (GR-1 Rural Residential Zone), Section 18.14.030 (Conditional Uses), to provide conditional use permit standards for the neighborhood market to increase access to fresh food in rural areas.

OWNER: N/A

APPLICANT: Pima County Development Services Department

DISTRICTS: ALL

STAFF CONTACT: Mark Holden

PUBLIC COMMENT TO DATE: As of September 24, 2018, staff received no comments regarding the proposed zoning code text amendment.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL** (8-0; Commissioners Gungle and Hook were absent).

STAFF RECOMMENDATION: APPROVAL.

TD/MH/ar
Attachments

PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P18TA00004

FOR OCTOBER 16, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official Tom Drazkowski
Public Works-Development Services Department-Planning Division

DATE: **September 24, 2018**

ADVERTISED ITEM FOR PUBLIC HEARING

ZONING CODE TEXT AMENDMENT

P18TA00004 FOOD ACCESS #2 – NEIGHBORHOOD MARKET IN RH RURAL HOMESTEAD AND GR-1 RURAL RESIDENTIAL ZONES ZONING CODE TEXT AMENDMENT
Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.03 (General Definitions), Section 18.03.20 (Definitions), to provide a definition for a neighborhood market; and Chapter 18.13 (RH Rural Homestead Zone), Section 18.13.030 (Conditional Uses) and Chapter 18.14 (GR-1 Rural Residential Zone), Section 18.14.030 (Conditional Uses), to provide conditional use permit standards for the neighborhood market to increase access to fresh food in rural areas. On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL** (Commissioners Gungle and Hook were absent). Staff recommends **APPROVAL**. (ALL DISTRICTS)

Planning and Zoning Commission Public Hearing Summary (August 29, 2018)

Staff presented information from the zoning code text amendment to the commission, stating that the text amendment was had been the project of Anson Lihosit, a UA Master's Degree Planning Program student intern. Staff displayed areas of Pima County that the USDA considers to be 'food deserts' and those with low access to supermarkets – areas of rural Pima County are designated as both. The zoning code currently permits grocery and convenience stores of 4000 square feet in area, maximum, in rural RH Rural Homestead and GR-1 Rural Residential zones as a Type 2 Conditional Use. The text amendment would create a definition of 'neighborhood market' as a grocery that dedicates 10% of its floor sales area to fresh food (fruit, vegetables, dairy, eggs, meat, fish, or poultry); and, will allow these markets in the RH and GR-1 zones as a Type I Conditional Use Permit, to up to 15,000 square feet, maximum, in area. Under the Type I CUP process, the Hearing Administrator would have the latitude to reduce or waive certain development-related requirements for neighborhood markets.

A commissioner asked if the new definition for 'neighborhood market' would be added to the zoning code; staff answered in the affirmative. The commissioner asked how the Hearing Administrator has discretion to reduce or waive certain requirements; staff responded that it is within the zoning code, under the section for the Conditional Use Permit process, and that reducing or waiving engineering and architectural soft costs associated with preparation of commercial development plans can help small businesses get established.

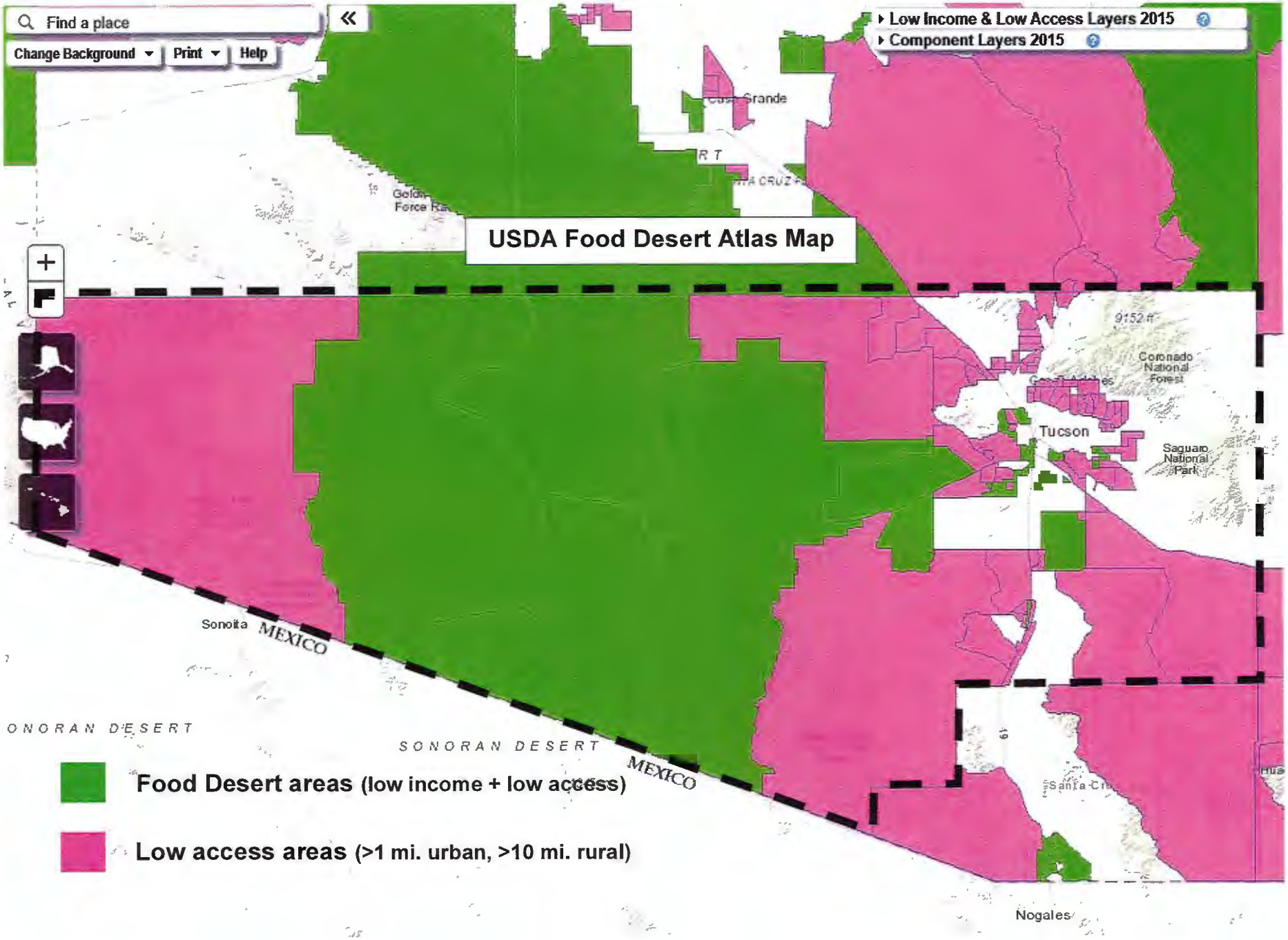
The commission opened the public hearing. No one requested to speak and the commission closed the public hearing.

Commissioner Bain made a motion to recommend **APPROVAL** of zoning code text amendment P18TA00004; Commissioner Membrila seconded.

Upon a voice vote, the motion to recommend **APPROVAL** passed (8-0; Commissioners Gungle and Hook were absent).

TD/MH/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P18TA00004 File


Find a place
Change Background
Print
Help
Low Income & Low Access Layers 2015
Component Layers 2015
USDA Food Desert Atlas Map
Coronado National Forest
Tucson
Saguaro National Park
Sonoita
MEXICO
SONORAN DESERT
Nogales
Food Desert areas (low income + low access)
Low access areas (>1 mi. urban, >10 mi. rural)

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

PUBLIC HEARING
August 29, 2018

P18TA00004 FOOD ACCESS ZONING CODE TEXT AMENDMENT #2

STATUS / AGENDA ITEMS	**Planning and Zoning Commission Public Hearing** Zoning Code Text Amendment
DESCRIPTION	Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.03 (General Definitions), Section 18.03.20 (Definitions), to provide a definition for a neighborhood market; and Chapter 18.13 (RH Rural Homestead Zone), Section 18.13.030 (Conditional Uses) and Chapter 18.14 (GR-1 Rural Residential Zone), Section 18.14.030 (Conditional Uses), to provide conditional use permit standards for the neighborhood market to increase access to fresh food in rural areas.
INITIATION	Planning and Zoning Commission, January 11, 2017

PUBLIC COMMENT
As of August 10, 2018, staff has received no comments on the proposed zoning code text amendment through email. Sixteen Pima County Departments and community stakeholders were contacted and distributed this proposed text amendment.

STAFF RECOMMENDATION
Staff recommends **APPROVAL** of the proposed Pima County Zoning Code text amendment. The amendment supports the goals and policies for enhancing the local production, and affordable distribution of healthy foods in *Pima Prospers*, the 2015 update of the county Comprehensive Plan.

BACKGROUND
The US Department of Agriculture (USDA) and the Centers for Disease Control and Prevention (CDC) have identified "food deserts" as areas with limited access to affordable fresh food. Food deserts are identified by two elements: low income (communities where the poverty rate is 20 percent or greater); and, low access (distance to the closest supermarket is greater than 1 mile, or 10 miles for rural areas). The USDA has identified census tracts around central Tucson and unincorporated Pima County as food deserts (see Attachment 1).

According to an Arizona Partnership for Healthy Communities report *Place Matters*, in Arizona, two main problems – food insecurity and communities with inadequate food retail options – contribute to lack of food access. People with low incomes, vulnerable and minority populations, and rural residents tend to have higher rates of food insecurity.

Many of the communities facing food insecurity are also communities with inadequate food retail options; rural areas with limited transit options or lack public transportation altogether make it even more difficult for individuals to access food and services outside a food desert (Rood, Sydney & Unrein, Serena, *Place Matters*, Arizona Partnership for Healthy Communities, (2018), http://arizonahealthycommunities.org/wp-content/uploads/2018/06/APHC-FoodHealth-White-Paper-6-14-18-FINAL.pdf).

The Planning Division has begun work on food access issues in Pima County. In 2017, a text amendment rewrote the zoning code to permit raising female chickens in small lot residential zones in the county. Also, the Board of Supervisors recently terminated a development agreement with Walmart and rescinded the accompanying special area policy which impeded development of larger commercial establishments, mainly grocery stores, for years around the W. Ajo Highway and S. Kinney Road area (see Attachment 2).

FOOD ACCESS - RURAL NEIGHBORHOOD MARKETS

Pima Prospers includes goals to enhance the local production, processing, and affordable distribution of healthy foods (Pima County Comprehensive Plan, Human Infrastructure Connectivity Chapter, 5.8-Food Access Element). In support of these goals, Pima County Development Services Department, Planning Division, proposes a text amendment to the zoning code which addresses a lack of grocery stores selling fresh food in rural Pima County.

The zoning code currently permits Grocery Store or Convenience Store in RH Rural Homestead and GR-1 Rural Residential zones, up to 4000 square feet in area maximum, under a Type II Conditional Use Permit (CUP) procedure, requiring hearings before both the Hearing Administrator and Board of Supervisors. Many rural areas zoned RH and GR-1 tend to be located far from large grocery stores and the nearest stores that sell food are often convenience stores and dollar stores, that do not tend to have as extensive a selection of fresh food compared to large grocery stores.

The text amendment would create a new zoning code definition for *neighborhood market*: a small- to moderate-scale grocery store oriented to serving the immediate area as a source of fresh food that dedicates at least ten percent (10%) of the floor sales area to the sale of a variety of fresh food. The fresh food selection must include fruits, vegetables, dairy, eggs, and meat, fish, or poultry.

Neighborhood markets would be permitted in RH and GR-1 zones, allowing a store of up to 15,000 square feet in area maximum, as a Type I CUP procedure, requiring the approval of the Hearing Administrator only. An applicant would be required to display on the preliminary development plan the areas of the proposed neighborhood market dedicated to the sale of fresh food (e.g. refrigerated areas, meat counter, produce sections, etc.).

The proposed text amendment provides regulatory incentives to establish larger grocery stores in rural areas compared to that currently permitted. The proposed 15,000 square-foot store area is the approximate size of a small- to moderate-scale grocery, such as a Trader Joe's. The Type I CUP presents less procedural process and the Hearing Administrator may use their discretion to waive certain development regulations.

Through this text amendment, the regulations will be more supportive of grocery stores locating in rural areas of the county. This will allow better access to fresh foods in areas which are currently lacking.

Respectfully submitted,

/s/

Anson K. Lihosit
Planning Intern

Attachments:
1. Low Food Access Map (USDA)
2. Walmart Special Area Policy

P18TA00004 Food Access Zoning Code Text Amendment #2
Neighborhood Markets in RH Rural Homestead and GR-1 Rural Residential Zones

Chapter 18.03 - GENERAL DEFINTIONS

N. Definitions "N."

Neighborhood Market: a small- to moderate-scale grocery store oriented to serving the immediate area as a source of fresh food that dedicates at least 10% of the sales floor area to the sale of a variety of fresh food. The fresh food selection must include fruits, vegetables, dairy, eggs, meat, fish, or poultry.

Chapter 18.13 - RH RURAL HOMESTEAD ZONE

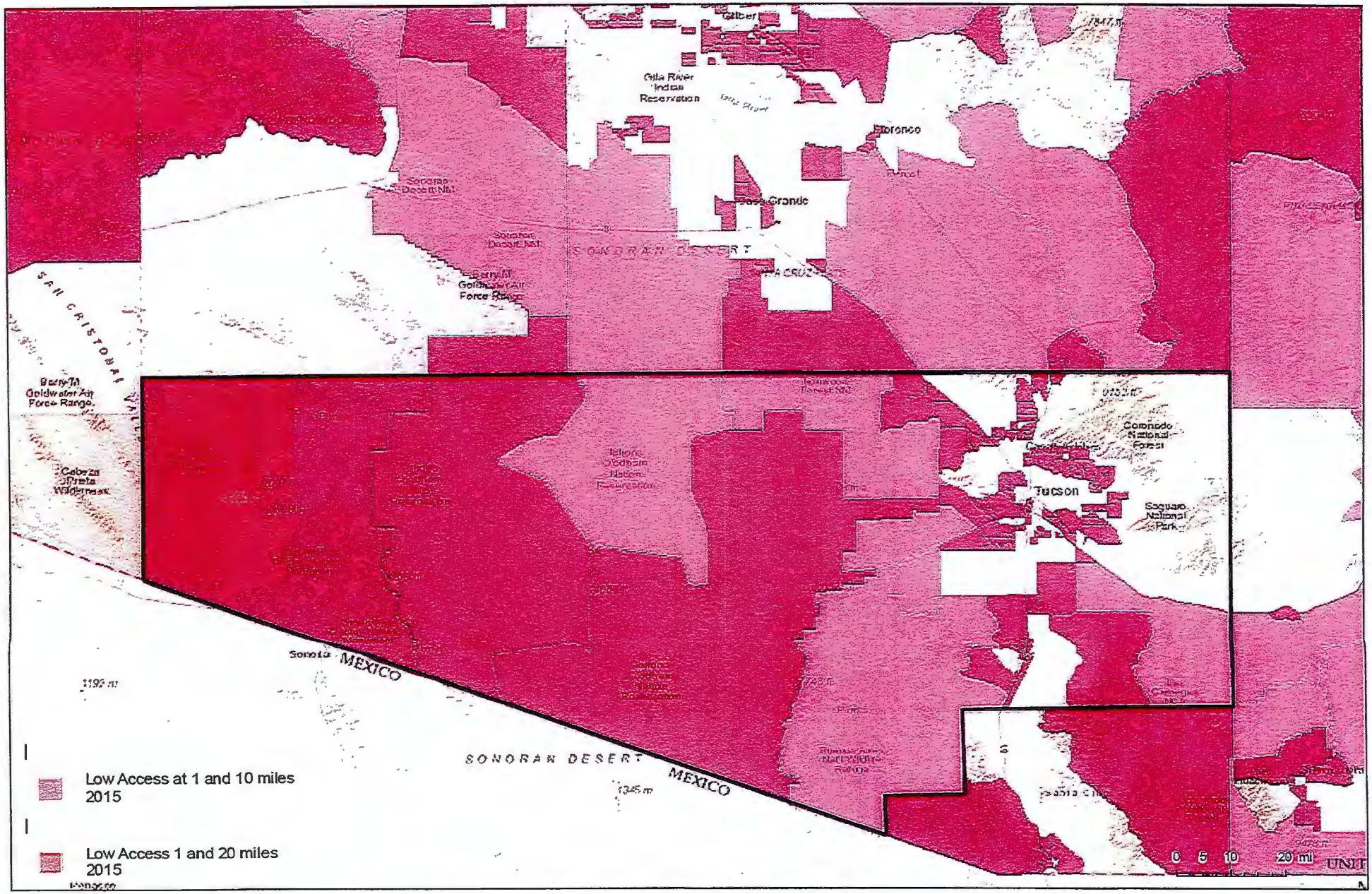
18.13.030 - Conditional Uses

Neighborhood Market:
a. Type I procedure
b. Maximum floor area: Fifteen thousand square feet

Chapter 18.14 - GR-1 RURAL RESIDENTIAL ZONE

18.14.030 - Conditional Uses.

Neighborhood Market:
a. Type I procedure
b. Maximum floor area: Fifteen thousand square feet



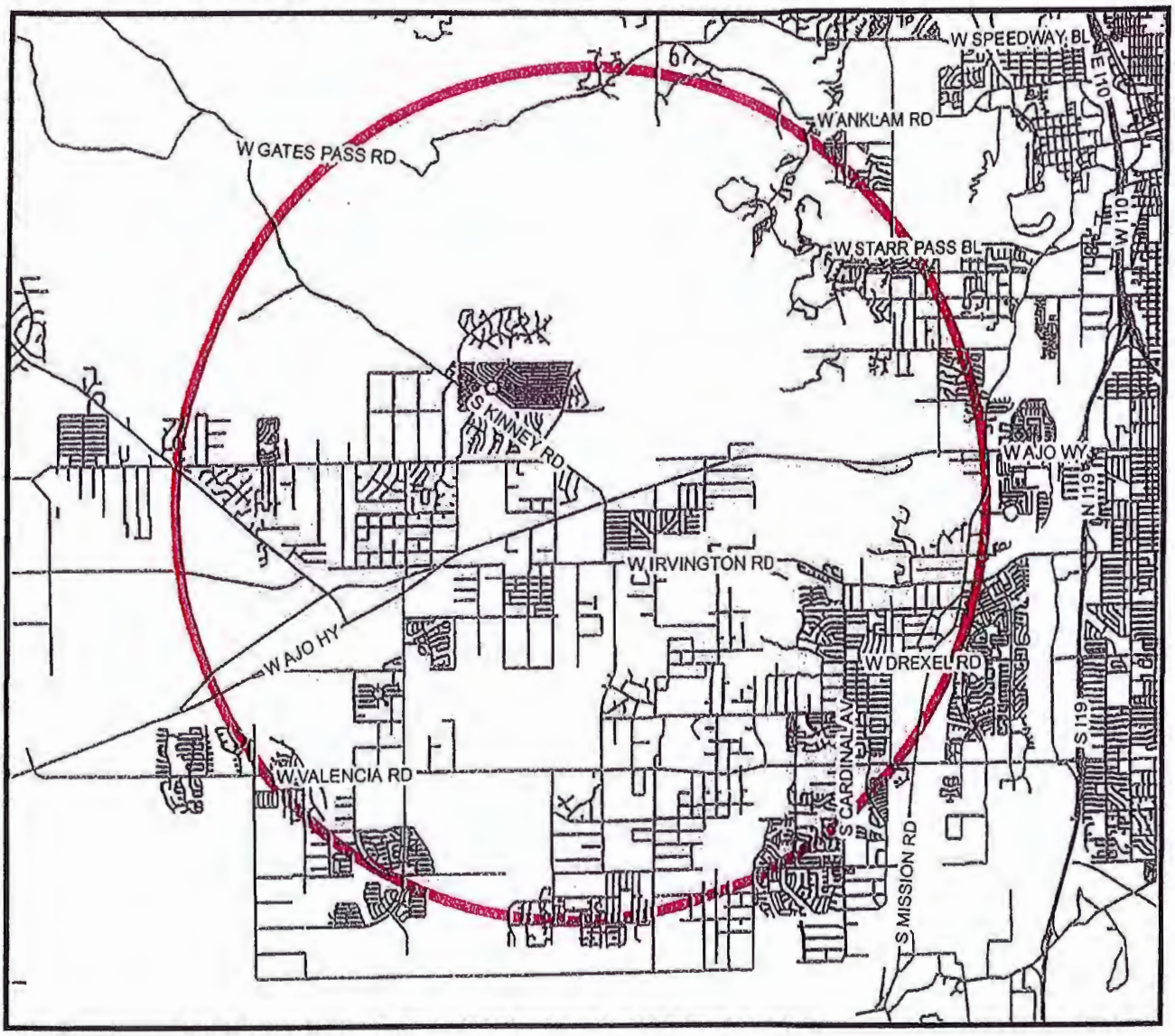
Low Food Access

Attachment 1

Date: 7/9/2018 Source: USDA Economic Research Service, ESRI. For more information: https://www.ers.usda.gov/data-products/food-access-research-atlas/documentation

COMPREHENSIVE PLAN AMENDMENT

Special Area Policy



0 3,500 7,000 14,000 Feet

Special Area Policy S-35

Taxcode: Multiple	P18CA00001 PIMA COUNTY - REPEAL OF SPECIAL AREA POLICY S-35 PLAN AMENDMENT Special Area Policy S-35 - Retail Enhancement Contribution Area (32,170 acres +/-)	Districts 3 & 5 Location: Within a 4-mile radius of the intersection of W. Ajo Highway and S. Kinney Road
	Southwest and Tucson Mountains Planning Areas Multiple Sections	North
	Planning and Zoning Commission Hearing: May 30, 2018	Map Scale: 1:100,000
	Board of Supervisors Hearing: June 19, 2018 (projected)	Map Date: May 9, 2018 / dms

Attachment 2

ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ZONING; AMENDING CHAPTER 18.03 (GENERAL DEFINITIONS), SECTION 18.03.020 (DEFINITIONS), TO ADD A DEFINITION FOR A NEIGHBORHOOD MARKET; AND CHAPTER 18.13 (RH RURAL HOMESTEAD ZONE), SECTION 18.13.030 (CONDITIONAL USES) AND CHAPTER 18.14 (GR-1 RURAL RESIDENTIAL ZONE), SECTION 18.14.030 (CONDITIONAL USES), TO ADD NEIGHBORHOOD MARKET AS A CONDITIONAL USE, PROVIDE CONDITIONAL USE PERMIT STANDARDS FOR THE NEIGHBORHOOD MARKET, AND TO RENUMBER SUBSEQUENT SUBSECTIONS ACCORDINGLY.

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:

1. The Planning and Zoning Commission, at its January 11, 2017 hearing, initiated and authorized staff to amend the Pima County Code to address food access issues.

2. Pima County Board of Supervisors approved the update of the Comprehensive Plan, Pima Prospers, on August 17, 2015 (Co7-13-10; Resolution 2015-62).

3. Pima County Comprehensive Plan, Chapter 5 - Human Infrastructure, Element 5.8 - Food Access, includes policies to reduce regulatory barriers and provide incentives for retailers providing access to healthy foods.

4. This ordinance updates the zoning code to incentivize establishment of small-scale to moderate-scale grocery stores providing healthy, fresh food in rural areas of Pima County.

5. This ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to reduce any existing rights to use, divide, sell or possess private real property.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Pima County Code Chapter 18.03, Section 18.03.020 is amended to add a definition for a neighborhood market and renumber subsequent subsections accordingly, as follows:

Chapter 18.03
GENERAL DEFINTIONS

...

18.03.020 – General Definitions

....

N. Definitions "N."

1. Neighborhood Market: a small- to moderate-scale grocery store oriented to serving the immediate area as a source of fresh food that dedicates at least 10% of the sales floor area to the sale of a variety of fresh food. The fresh food selection must include fruits, vegetables, dairy, eggs, meat, fish, or poultry.

~~1~~2. Non-chartered financial institution: Means a business . . ..

...

Section 2. Pima County Code Chapter 18.13, Section 18.13.030 is amended to add neighborhood market as a conditional use, provide conditional use permit standards for the neighborhood market, and renumber subsequent subsections accordingly, as follows:

Chapter 18.13
RH RURAL HOMESTEAD ZONE

...

18.13.030 - Conditional Uses.

...

8. Neighborhood Market:
   a. Type I procedure,
   b. Maximum floor area: Fifteen thousand square feet;

~~8~~9. Gasoline service station: . . ..

...

Section 3. Pima County Code Chapter 18.14, Section 18.14.030 is amended to add neighborhood market as a conditional use, provide conditional use permit standards for the neighborhood market, and renumber subsequent subsections accordingly, as follows:

Chapter 18.14
GR-1 RURAL RESIDENTIAL ZONE

...

18.14.030 - Conditional Uses.

...

3. Neighborhood Market:
   a. Type I procedure,
   b. Maximum floor area: Fifteen thousand square feet;

~~3~~4. Gasoline service station: . . ..

...

Section 4. That this ordinance is effective 31 days after its adoption.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2018.

_____
Chairman, Pima County Board of Supervisors

ATTEST:

_____
Clerk, Board of Supervisors

Approved As To Form:

10/3/18
Deputy County Attorney
Lesley M. Lukach

Approved:

10-3-18
Executive Secretary,
Planning and Zoning Commission