
To: The Town of Oro Valley
11000 North La Canada Drive
Oro Valley, AZ 85737

DATE: 2/7/2020

PROJECT: Stone Canyon Ph. VII

PROJECT #: 19aqa01

SUBJECT: Proposed PAD Amendment and Conditional Use Permit Applications to
Permit Continuation of Historic Grazing Activities

History

The Martin Ranch Company's grazing operation extends over approximately 25,000 acres of land in Rancho Vistoso, northern Pima County, and southern Pinal County. Martin Ranch has been actively grazing in this part of southern Arizona since 1985, although of course cattle grazing is an historic activity in the area dating back well over a century. The Martin grazing area is within a collection of leased properties, mostly on State Trust land, but also on some privately held acreage. One of the privately held properties that Martin Ranch leases is the subject property comprising the northern 209± acres of Stone Canyon Phase VII. The subject property has been actively grazed since 1987, is fenced, and supports up to three head of cattle according to AZ Dept. of Agriculture regulations. Although grazing areas can and do exist adjacent to higher density residential developments such as Sun City Vistoso, the existing residential development near and adjacent to this grazing area is very low density residential (less than one home per acre), which is very compatible with the grazing land use. Over the years there have been almost no reports of loose cattle in Stone Canyon, and no actual complaints because the ranchers are quick to respond to any concerns or inquiries. In fact, the majority of residents are likely unaware that most undeveloped lands within Stone Canyon have been grazed since before Stone Canyon was started. Incidentally, the 200 acres of open space directly east of the subject property was also grazed for many years prior to its dedication to the Town of Oro Valley.

Proposal

The subject property was platted in 2006 but has not yet been built or offered for sale to individual homeowners. The current owners are not land developers and have no intention of developing the land. They received the property in lieu of debt payment from the previous owner. Unfortunately, the property tax valuation on the subject property recently increased due to a determination by the County Assessor that grazing is not a permitted use on the property despite the fact that the property has been grazed continuously for decades. This PAD amendment request seeks to rectify that issue by adding the established, historic "grazing" activity as a conditionally permitted land use in the Rancho Vistoso PAD's Low Density Residential (LDR) land use designation. Our concurrent Conditional Use Permit application is dependent on the approval of the PAD amendment and will formalize the existing grazing land use as permitted in order to regain the corresponding tax status on the property until this phase of Stone Canyon is ready for development.

State Law requires municipal zoning regulations to be uniform throughout each zone, with the ability to establish conditionally allowed uses to be considered on a case-by-case basis when special circumstances exist. Accordingly, we propose the following text to be added to The Rancho Vistoso PAD, Section 1.3.B.2.b.:

Conditionally Permitted Uses: Farms and Ranches, subject to the following: (a) Farm uses shall require a minimum of 144,000 contiguous square feet of lot area, (b) Grazing and raising of horses and livestock other than swine with no more than one head of livestock more than six months of age per thirty thousand square feet of lot area, (c) Ranch uses shall require a minimum of ten contiguous acres of lot area, and (d) the Conditional Use Permit criteria in OVZCR Section 22.5.

Public Outreach

We held a neighborhood meeting on January 9, 2020. Approximately 15 people attended, including several residents and Planning & Zoning Commission members. No significant concerns were raised, and Town staff concluded that a second meeting was not needed. Please refer to the Public Outreach Report for more details.

Conditional Use Permit Criteria Analysis

Section 22.5.A of the Oro Valley Zoning Code lists the criteria below that must be met for a Conditional Use Permit to be granted. Following each criterion is a statement explaining how this proposal meets the requirement.

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
☒ *At the neighborhood meeting one attendee asked about the grazing area's proximity to existing homes, and whether there would be any issues with odor. A project neighbor commented that he has lived next to this grazing area for years and has never had odor or any other complaints. Similarly, the meager grazing activity onsite does not produce any noise, smoke, dust, vibration, or illumination.*
 - b. Hazard to persons and property from possible explosion, contamination, fire or flood;
☒ *Grazing does not lead to any of these issues.*
 - c. Unusual volume or character of traffic.
☒ *Grazing does not increase vehicular traffic in the area. Quadrupedestrian traffic volume data is not available, but this request will not result in an increase to the existing volume.*

2. That the characteristics of the proposed use are reasonably compatible with the types of use permitted in the surrounding area and sufficient mitigation measures are employed to minimize impact on adjoining properties.

a. That the proposed use is consistent with the goals and policies of the general plan.



Most General Plan goals and policies are not applicable to this request. None are in conflict. The request specifically meets the following goal:

- *Goal 5.4.X. "Strive for effective transitions between differing land uses and intensities in the community". The grazing area is fenced to contain the few head of cattle that wander into the area from time to time. The grazing use has no negative impact on surrounding properties, and fencing the area further reduces the possibility of negative impacts.*

b. That the hours of operation of the proposed use will not adversely impact neighboring properties.



Grazing is a 24-hour per day activity, but after-hours impacts historically have been limited to lone cows occasionally lowing softly in the moonlight.

Summary

There are several strong arguments supporting this proposal:

- The property has been actively grazed for many years without problems. Light grazing such as that which occurs on the property does not create a land use compatibility issue.
- The active Martin Ranch grazing lease extends all the way east to Oracle Road, adjacent to the northern edge of the Estates at Honeybee Ridge and Sun City. Town staff confirmed that there is no evidence or history of land use compatibility issues.
- Granting of this CUP request will not be materially detrimental to the public health, safety, or welfare. The characteristics of the use proposed are very compatible with the types of uses permitted in the surrounding area, as evidenced by decades of grazing without land use compatibility complaints.
- Grazing is allowed in Stone Canyon CC&Rs.
- Grazing is approved by the Stone Canyon HOA.

Thank you for your consideration of these requests. Please do not hesitate to contact me with any questions or comments.

Sincerely,



Paul Oland