

MINUTES, FLOOD CONTROL DISTRICT BOARD

OCTOBER 21, 2008

The Pima County Flood Control District Board met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 21, 2008. Upon roll call, those present and absent were as follows:

All Present:	Richard Elías, Chairman
	Ramón Valadez, Vice Chairman
	Sharon Bronson, Member
	Ray Carroll, Member (arrived 9:10)
	Ann Day, Member
	Robin Brigode, Deputy Clerk

1. **CONTRACTS**

- A. Southern Arizona Rescue Association, Inc., Amendment No. 1, to provide a Lease Agreement for property located at 3455 N. Craycroft Road and extend contract term to 9/2/09, contract amount \$10.00 revenue (04-64-S-133013-0903)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the contract.

- B. CFT Land, L.L.C., to provide an Acquisition Agreement to purchase a Drainage Easement and associated Temporary Construction Easement for the construction of the Mission View Drainage Project, Tax Parcel No. 132-15-0060, 1997 Bond Fund, contract amount \$72,950.00 including closing costs (22-59-C-141461-1008)

- C. Town of Marana, to provide to Pima County and Pima County Flood Control District an amended and restated Acquisition Agreement, Temporary Construction Easement, Public Ingress-Egress and Utility Easement and a Special Warranty Deed for property needed for the I-10 Traffic Interchange at Twin Peaks Road, Tax Parcel Nos. 226-15-002B, 226-15-002C and 226-15-020D, located in Sections 21 and 22, T12S, R12E, total contract amount \$99,200.00 revenue (22-59-M-141092-1008)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the contracts.

2. **ADJOURNMENT**

The meeting was adjourned at 10:27 a.m.

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

OCTOBER 21, 2008

The Pima County Zoning Enforcement Board of Appeals met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 21, 2008. Upon roll call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member (arrived 9:10)
 Ann Day, Member
 Robin Brigode, Deputy Clerk

1. **EXECUTIVE SESSION**

The Board, on September 16, 2008, continued this item.

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P08ZV00250–1 and 2, James Hessler. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was continued to November 18, 2008.

2. **APPEAL OF HEARING OFFICER'S DECISION**

The Board, on September 16, 2008, continued this item.

P08ZV00250– 1 and 2, James Hessler

In accordance with the Pima County Code 18.95.030.D, James Hessler appeals the decision of the Hearing Officer in Case No. P08ZV00250–1 and 2, regarding violations of the Pima County Zoning Code Section 18.81.080.C1, failure to obtain a grading permit and Section 18.72.060.A1, removing native plants without an approved plant preservation plan, on property located at 231 N. Vail View Rd. (District 4)

Without objection, this item was continued to November 18, 2008.

3. **ADJOURNMENT**

The meeting was adjourned at 10:27 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

OCTOBER 21, 2008

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 21, 2008. Upon Roll Call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member
 Ann Day, Member
 Robin Brigode, Deputy Clerk

1. **INVOCATION**

The invocation was given by Father Alonzo Garcia of Holy Family Catholic Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

The Pima County Animal Care Center showcased an animal available for adoption.

4. **PRESENTATIONS/PROCLAMATION**

A. Presentation by Glen Sampson, Tucson Meteorologist-In-Charge for the National Weather Service, recognizing Pima County as a StormReady County.

Glen Sampson made the presentation to Supervisor Valadez. Priscilla Cornelia, Transportation Department Director, and Suzanne Shields, Regional Flood Control District Director, spoke about the County's readiness status.

B. Presentation of a proclamation to Mike Burkholder, President of the American Diabetes Association in Pima County, proclaiming November 14, 2008, to be:

 "WORLD DIABETES DAY IN PIMA COUNTY"

Chairman Elías presented the proclamation to American Diabetes Association representatives, Mike Burkholder and Fred Gomez. The Chairman urged everyone to support the Association's research and to take positive health-related action to avoid developing Diabetes.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the proclamation.

5. **CONSENT CALENDAR:**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared. On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Consent Calendar, subject to the following:

PULLED FOR DISCUSSION BY SUPERVISOR DAY:

1. **CONTRACTS AND AWARDS**

G. **Procurement**

- 17. Poster Frost Associates, Inc., Amendment No. 1, to provide professional planning services for the Historic Fort Lowell Park Master and Restoration Plan and amend contractual language, 2004 Bond Fund, contract amount \$5,500.00 (07-73-P-140842-0408) Public Works, Cultural Resources

Supervisor Day asked if part of the \$5,500.00 was for a consultant's October travel to Payson, if the travel did occur and if approval was retroactive. Chuck Huckelberry, County Administrator, stated he was sure the consultant attended as it was in the document being approved. He could provide a line item content of the \$5,500.00.

PULLED FOR SEPARATE ACTION:

1. **CONTRACTS AND AWARDS**

G. **Procurement**

- 19. Award of Contracts, Requisition No. 0900004, for occupational medical services to the highest ranked/most qualified respondents in the cumulative annual amount of \$728,000.00 as listed below: Contracts are for a one-year term and include four one-year renewal periods. The award includes the authority for the Procurement Department to reallocate the award amounts among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the sum of the revised contract amounts do not exceed the sum of the contract award amounts. Funding Source: Self Insurance Trust Fund. Administering Department: Finance and Risk Management.

(Headquarters: Tucson, AZ)	Annual Amount
Group A: Workers Compensation Medical Services	
Sunnyside Medcenter, P.C.	\$120,000.00
Tucson Occupational Medicine	120,000.00
Well America, Inc.	120,000.00
Group B: Occupational Medical Services	
Sunnyside Medcenter, P.C.	\$100,000.00
Tucson Occupational Medicine	100,000.00
Well America, Inc.	100,000.00
Group C: AZ Post Physical Examination Services	
Tucson Occupational Medicine	34,000.00
Sunnyside Medcenter, P.C.	34,000.00

Without objection, this item was continued to November 18, 2008.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Assessor

1. Robert J. Gludemans, Amendment No. 3, to provide consulting services for the CAMA Project, extend contract term to 11/1/09 and amend contractual language, General Fund, contract amount \$50,000.00 (07-28-G-137331-1105)

B. Community Development and Neighborhood Conservation

2. RESOLUTION NO. 2008-274, approving an Intergovernmental Agreement with the Arizona Department of Housing, to provide for the Pima County Homeless Management Information System, Arizona Housing Trust Fund, contract amount \$25,000.00 revenue (01-70-A-141407-1008)
3. RESOLUTION NO. 2008-275, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Avondale Neighborhood Lighting Project, 2004 Neighborhood Reinvestment Bond Fund, contract amount \$295,600.00 (01-70-T-141408-1008)
4. RESOLUTION NO. 2008-276, approving an Intergovernmental Agreement with the City of Tucson, to provide for the West University Neighborhood Catalina Park Project, 2004 Neighborhood Reinvestment Bond Fund, contract amount \$476,190.00 (01-70-T-141409-1008)
5. RESOLUTION NO. 2008-277, approving an Intergovernmental Agreement with the City of Tucson, to provide for the El Cortez Heights Neighborhood Park Improvement Project, 2004 Neighborhood Reinvestment Bond Fund, contract amount \$110,000.00 (01-70-T-141410-1008)

C. Community Resources

6. Sahuarita Unified School District, Amendment No. 1, to provide an after-school elementary recreation program and extend contract term to 7/31/09, General Fund, contract amount \$42,000.00 (01-67-S-140376-0807)

D. Community Services, Employment and Training

7. Corporation for a Skilled Workforce, to provide grant proposal development assistance, U. S. Department of Labor and WIRED Grant Funds, contract amount \$68,500.00 (07-69-C-141413-0708)

E. Natural Resources, Parks and Recreation

8. Catholic Community Services of Southern Arizona, Inc., d.b.a. St. Elizabeth's Health Center, to provide a Lease Agreement for a medical and dental clinic at the Ellie Towne Flowing Wells

Community Center, General Fund, total contract amount \$75,250.00 revenue/25 year term (04-05-C-141405-1008)

F. Pima Health System

9. Northwest Hospital, L.L.C., d.b.a. Northwest Medical Center, Amendment No. 10, to provide hospital services and amend contractual language, no cost (18-15-N-135763-0205)
10. Oro Valley Hospital, L.L.C., d.b.a. Northwest Medical Center Oro Valley, Amendment No. 8, to provide hospital services and amend contractual language, no cost (18-15-O-135818-0105)
11. Carondelet Health Network, Amendment No. 8, to provide hospital services and amend contractual language, no cost (18-15-C-135843-0505)
12. University Medical Center Corporation, Amendment No. 11, to provide hospital services and amend contractual language, no cost (18-15-U-135865-0405)
13. Tucson Medical Center, Amendment No. 10, to provide hospital services and amend contractual language, no cost (18-15-T-136017-0505)
14. Brea Tucson, L.L.C., d.b.a. The Court at Tucson, Amendment No. 1, to provide assisted living center services, extend contract term to 9/30/09 and amend contractual language, no cost (07-15-T-140569-1007)
15. Insurance Staffers, Inc., d.b.a. Jacobson Solutions, Amendment No. 1, to provide professional interim medical claims examiner services and amend contractual language, PHCS Enterprise Fund, contract amount \$53,000.00 (18-15-I-140860-0508)

G. Procurement

16. Sellers and Sons, Inc, Amendment No. 6, to provide emergency repairs and historic renovation to Canoa Ranch Buildings 106, 107, 108, and 109 and extend contract term to 1/15/09, no cost (03-73-S-140469-1007) Public Works, Cultural Resources
17. Poster Frost Associates, Inc. (PULLED FOR DISCUSSION)
18. PB Americas, Inc., Amendment No. 5, to provide roadway planning and design services for the Vail and Colossal Cave Road Projects and amend contractual language, Development Impact Fee Fund, contract amount \$69,723.00 (16-04-P-134047-0204) Transportation

Award

19. Requisition No. 0900004 (PULLED FOR SEPARATE ACTION)

H. **Sheriff**

20. RESOLUTION NO. 2008-278, approving an Intergovernmental Agreement with the U.S. Dept. of Justice, Community Oriented Policing Services, to provide for 2008 COPS Technology Program, Federal Grant Fund, contract amount \$631,328.00 revenue (01-11-J-141412-1207)

2. **BOARDS, COMMISSIONS AND/OR COMMITTEES**

A. **Air Quality Hearing Board**

Reappointment of Dr. Barry A. Friedman. Term expiration: 10/31/11. (Staff recommendation)

B. **Pima County Wireless Integrated Network**

Appointment of Division Chief Randy Karrer, 2nd Alternate, Drexel Heights Fire District, to fill an existing vacancy. No term expiration. (Jurisdictional recommendation)

3. **PROCUREMENT**

Quarterly Contract Report

Pursuant to Pima County Code, §11.08.010, staff submits the quarterly report on contracts awarded from July 1, 2008 through September 30, 2008.

4. **SPECIAL EVENT LIQUOR LICENSES APPROVED PURSUANT TO RESOLUTION NO. 2002-273**

A. Elizabeth A. McMahon, Catholic Community Services Foundation, La Paloma Resort, 3800 E. Sunrise Drive, Tucson, November 14, 2008.

B. Donald Keith Poore, Tucson Center for Spiritual Living, 3895 N. Alvernon Way, Tucson, October 31, 2008.

5. **REAL PROPERTY**

Condemnation

RESOLUTION NO. 2008-279, of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn real property interests, where necessary, for transportation improvements on Camino Loma Alta, Old Spanish Trail to Colossal Cave Road, in Section 34, T15S, R16E, G&SRM. (District 4)

REGIONAL WASTEWATER RECLAMATION

6. **Public Announcement**

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Pima County Wastewater Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments

will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Arizona Canning Company, L.L.C., Case No. 2008-09. Proposed settlement amount is \$600.00.

REGULAR AGENDA/ADDENDUM ITEMS

6. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

- A. RESOLUTION NO. 2008-280, of the Pima County Board of Supervisors, relating to housing and infrastructure systems; designating the area known as Arivaca Townsite as a Colonia. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-280.

- B. The Neighborhood Reinvestment Oversight Committee recommends approval of the following:

1. Approve the scope change for Barrios Unidos/Rancho Chuk-son Project to park and traffic improvements and name change to Barrio Kroeger Lane Neighborhood Reinvestment Project and authorize staff to negotiate an intergovernmental agreement. Estimated budget is \$150,000.00. (District 5)
2. Approve the Santa Rita Project supplemental funding for a skate park. Estimated budget is \$47,000.00; and,

Approve City of Tucson, Amendment No. 2, for the Santa Rita Neighborhood Reinvestment Project and extend contract term to 12/31/10, 1997 Bond Fund, contract amount \$47,000.00; 1997 and 2004 Bond Funds, contract amount \$203,000.00, total contract amount \$250,000.00 (01-30-T-132105-0403). (District 2)

3. Approve the Cardinal Neighborhood Project for traffic enhancements and authorize staff to negotiate an intergovernmental agreement. Estimated budget is \$11,000.00. (District 5)
4. Approve the Barrio Viejo Project supplemental funding for a pocket park and authorize staff to negotiate an intergovernmental agreement. Estimated budget is \$43,516.00. (District 2)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the recommendations as presented.

7. NATURAL RESOURCES, PARKS AND RECREATION

RESOLUTION NO. 2008-281, of the Pima County Board of Supervisors, approving the filing of Recreation and Public Purposes Applications with the U. S. Bureau of

Land Management (BLM) to acquire BLM disposal lands for parks, recreation, open space and trail purposes.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-281.

8. **REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENTS**

Staff recommends approval of the following proposed Pretreatment Settlement Agreements, RWRD System Development Fund:

- A. Catalina Restaurant Group, d.b.a. Coco's Bakery Restaurant No. 176, Case No. 2008-05. Proposed settlement amount is \$508.06.
- B. Macayo Restaurants, L.L.C., d.b.a. Macayo's Del Norte, Case No. 2008-06. Proposed settlement amount is \$508.06.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the agreements.

9. **FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE**

08-35-8957, Randy Allen Guse, Walgreen's No. 6645, 5525 E. River Road, Tucson, Series 9, Liquor Store License, Location Transfer.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, to approve the request and forward the recommendation to the State Liquor Control Board.

10. **DEVELOPMENT SERVICES: REZONING**

The Board, on October 7, 2008, continued this item.

Co9-08-08, RIVERSIDE ASSOCIATES, ET. AL.-RIVER ROAD NO. 2 REZONING

Request of Riverview Associates and Pima County, represented by The Planning Center, for a rezoning of approximately 14.79 acres from SH (Suburban Homestead) to approximately 8.71 acres of TR (Transitional), approximately 4.11 acres of CB-2 (General Business) and approximately 1.97 acres of SH® (Suburban Homestead) (Restricted), on property located on the east and west sides of River Road at Roller Coaster Road, approximately 2,000 feet east of La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Richey was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

"Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.

5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Access is only allowed as shown on the Preliminary Development Plan or as approved by the Department of Transportation.
8. Flood Control conditions:
 - A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed and a meeting prior to submittal is recommended.
 - C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
 - D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (onsite and offsite) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Reclamation conditions:
 - A. The property owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The property owner(s)/developer(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
10. Environmental Quality condition
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Natural Resources, Parks and Recreation conditions:
 - A. At a minimum, two access points from Parcel A to the river park shall be provided.
 - B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the Preliminary Development Plan prior to the approval of a Development Plan.
 - C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the PDP. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
13. Environmental Planning conditions:
 - A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
 - B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the

project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

- C. ~~The property owner(s)/developer(s) shall draft an Invasive Plant Eradication Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below:~~

Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Removal:

Ailanthus altissima	Tree of Heaven	Eragrostis spp.	Lovegrass (excluding
Alhagi pseudalhagi	Camelthorn	E. intermedia, plains	lovegrass)
Arundo donax	Giant reed	Melinis repens	Natal grass
Brassica tournefortii	Sahara mustard	Mesembryanthemum spp.	Iceplant
Bromus rubens	Red brome	Peganum harmala	African rue
Bromus tectorum	Cheatgrass	Pennisetum ciliare	Buffelgrass
Centaurea melitensis	Malta starthistle	Pennisetum setaceum	Fountain grass
Centaurea solstitialis	Yellow starthistle	Rhus lancea	African sumac
Cortaderia spp.	Pampas grass	Salsola spp.	Russian thistle
Cynodon dactylon	Bermuda grass	Schismus arabicus	Arabian grass
	(excluding sod hybrid)	Schismus barbatus	Mediterranean grass
Digitaria spp.	Crabgrass	Sorghum halepense	Johnson grass
Elaeagnus angustifolia	Russian olive	Tamarix spp.	Tamarisk

14. Design conditions:
- A. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
15. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
16. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
17. Adherence to the preliminary development plan as approved at public hearing.
18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:
- A. Offsite improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multiuse lanes, curbs and sidewalks.
- B. Offsite improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.
- C. Responsibilities and funding of both private and public drainage improvements.
- D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.
19. The following uses shall be prohibited in the TR portion of the rezoning site:
- a. Temporary trailer or mobile or manufactured home
- b. Duplex, apartment, or other multiple dwelling development
- c. Temporary manufactured or mobile housing: in accordance with Section 18.17.020A2
- d. Factory-built (modular) buildings
- e. Home auto repair
- f. Open storage
- g. Community service agency
- h. Hospital or sanatorium
- i. Community storage garage
20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
- a. Auto mechanical repair
- b. Automobile accessories, parts and supplies
- c. Automobile lubrication and oil change operation
- d. Automobile tires, batteries and accessories installation in conjunction with a department store

- e. Billiard or pool hall
 - f. Garage: for public storage only
 - g. Gasoline service station
 - h. Large scale retail establishment
 - i. Laundromat, laundry and dry cleaning units
 - j. Mechanical and electronic games arcade
 - k. Shopping center, regional
 - l. Station: bus or stage
 - m. Tire store: including incidental repair of shocks and brakes with no outdoor storage or display
 - n. Trailer rental
 - o. Wholesale of oil
 - p. Trailer or manufactured or mobile home for caretaker
 - q. Self-storage facility
21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
 22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses."

Tom Hudson, Zoning Administrator, stated the property met all concurrent criteria. It conformed to the Comprehensive Plan. A portion was within the Conservation Lands System. Much was part of a land swap with the County to improve the River Park. The west parcel will have office, retail and restaurant uses. The east parcel will be office use. The County will trade a 3.57 acre parcel that comprised Parcel B's northern portion for contributions for planned Flood Control improvements and 1.97 acres. The bulk of the property to be acquired was by the River Park along Rillito Wash in Parcel A. The remaining portion was for the Roller Coaster Road improvements near Lulu Walker School. The applicant and school district will collaborate to improve existing parking. Additional Condition Nos. 19, 20, 21 and 22 were agreed upon concerning area usage and access.

In reply to Supervisor Day, Mr. Hudson stated that Condition No. 18 addressed the development agreement. She queried the scope of work and the schedule for Roller Coaster Wash and the La Canada Road Project. Suzanne Shields, Regional Flood Control District Director, stated confusion existed about work on the two sites. Replacing the existing undersized box culvert with a capacity-increasing structure was the only work relevant to the rezoning.

Ms. Shields verified that the project did not include soil cementation but channelization, e.g., rock riprap or vegetation trimming. An overgrown 50-foot drainageway now existed.

Mike Grassinger, The Planning Center, applicant's representative, stated this project had no downside and benefited all parties. He agreed with all the conditions and appreciated that the neighbors got involved at last Thursday's public meeting.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Sue Clark, Pima Trails
2. Michael Toney

Comments included the following:

- A. Any concreting of washes encouraged graffiti, trash and vagrants.
- B. Communication from Flood Control would have eliminated distress created from last Thursday's statement about concreting Roller Coaster Wash.
- C. Pima Trails did not oppose the rezoning.
- D. Pima Trails supported widening Roller Coaster Wash, a master plan trail.

- E. Riparian habitats needed to be maintained.
- F. The sole focus of Pima Trails was channelization of Roller Coaster Wash.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning, subject to standard and special conditions, amending Condition No. 13 and adding Condition Nos. 19, 20, 21 and 22.

11. DEVELOPMENT SERVICES: REZONING

Co9-08-15, INA BUSINESS CENTER, L.L.C.–CAMINO DE LA TIERRA NO. 3 REZONING
 Request of Ina Business Center, L.L.C., represented by Craig Courtney, for a rezoning of approximately 3 acres from TR (Transitional) to CB-2 (General Business), on property located on the northwest corner of Ina Road and Camino de la Tierra. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Gungle and Membrila were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

“Completion of the following requirements within **five** years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation condition:
The property owner shall construct improvements, as required by the Department of Transportation, along frontage and within the site, including but not limited to pavement, curb and sidewalk.
8. Wastewater Management conditions:
 - A. The owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner developer to that effect.
 - B. The owner(s)/developer(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/ or conveyance capacity not be available at that time, the owner(s)/developer(s) shall have the option of funding, designing and constructing the necessary improvements to Pima County’s public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
9. Environmental Quality Condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
11. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. “Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I).”

12. Prior to ground modifying activities and following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
13. ~~The owner(s)/developer(s) shall submit an Invasive Plant Eradication Plan as an addendum to the approved Landscape Plan, to be approved by Planning staff prior to the issuance of a Certificate of Compliance. The Plan shall address the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below.~~
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
- Invasive Non-Native Plant Species Subject to Control:
- | | | | |
|-------------------------------|--------------------|------------------------------|----------------------|
| <i>Ailanthus altissima</i> | Tree of Heaven | <i>Eragrostis</i> spp. | Lovegrass (excluding |
| <i>Alhagi pseudalhagi</i> | Camelthorn | <i>E. intermedia</i> , | plains lovegrass) |
| <i>Arundo donax</i> | Giant reed | <i>Melinis repens</i> | Natal grass |
| <i>Brassica tournefortii</i> | Sahara mustard | <i>Mesembryanthemum</i> spp. | Iceplant |
| <i>Bromus rubens</i> | Red brome | <i>Peganum harmala</i> | African rue |
| <i>Bromus tectorum</i> | Cheatgrass | <i>Pennisetum ciliare</i> | Buffelgrass |
| <i>Centaurea melitensis</i> | Malta starthistle | <i>Pennisetum setaceum</i> | Fountain grass |
| <i>Centaurea solstitialis</i> | Yellow starthistle | <i>Rhus lancea</i> | African sumac |
| <i>Cortaderia</i> spp. | Pampas grass | <i>Salsola</i> spp. | Russian thistle |
| <i>Cynodon dactylon</i> | Bermuda grass | <i>Schismus arabicus</i> | Arabian grass |
| (excluding sod hybrid) | | <i>Schismus barbatus</i> | Mediterranean grass |
| <i>Digitaria</i> spp. | Crabgrass | <i>Sorghum halepense</i> | Johnson grass |
| <i>Elaeagnus angustifolia</i> | Russian olive | <i>Tamarix</i> spp. | Tamarisk |
14. The owner(s)/developer(s) shall adhere to the preliminary development plan as approved at public hearing.
15. The owner(s)/developer(s) shall work with staff to provide a revised landscape plan that includes the existing walls, bufferyards, and landscape islands and in consultation with the Coalition for Sonoran Desert Protection as to an acceptable plant list and plant configuration. Acceptable plants include, but are not limited to the following: Desert Hackberry (*Celtis pallida*), Desert Willow (*Chilopsis linearis*), Turpentine Bush (*Encameria laricifolia*), Wolfberry (*Lycium fremontii*), Cholla and Prickly Pear cactus (*Opuntia* spp.), Screw Bean Mesquite (*Prosopis pubescens*), Velvet Mesquite (*Prosopis velutina*) and Arizona Rosewood (*Vauquelinia californica*). New planting of Pepper Trees (*Schinus* spp.) shall be prohibited. The owner(s)/developer(s) and Pima County shall cooperate to establish a landscape easement, if feasible, on county property along the west and north boundaries of the property for the purpose of enhancing the bufferyard within the CLS area per the comprehensive plan special area policy, Co7-07-27. If established, such easement shall be accomplished solely at owner's expense (including an arrangement for all landscape maintenance) pursuant to a plan approved by Pima County and shall be completed prior to the issuance of a Certificate of Compliance."

Tom Hudson, Zoning Administrator, stated that additional retail and restaurant uses would be allowed. The Neighborhood Activity Center (NAC) would limit the types of CB-2 uses. The applicant agreed to work with staff and the Coalition for Sonoran Desert Protection (CSDP) on landscaping to enhance the bufferyard. Concurrency criteria were met.

Michael Burn, applicant's representative, thanked staff and the CSDP for their help and input. California Pepper Trees already on-site will be removed.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Christina McVie, Coalition for Sonoran Desert Protection (CSDP)
2. Michael Toney

Comments included the following:

- A. Appropriate buffering of riparian areas was vital.
- B. The CSDP and applicant collaborated.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning, subject to standard and special conditions, amending Condition No. 13 and adding Condition No. 15.

12. DEVELOPMENT SERVICES: CONDITIONAL USE PERMITS

P21-08-040, BISHOP-S. AVALON DRIVE

Robert and Pennie Bishop, on property located at 6820 S. Avalon Drive, in the RH zone, request a Conditional Use Permit for a roping arena with amplification. Chapter 18.97, in accordance with Section 18.13.030.B.35, allows a roping arena with amplification as another conditional use which is similar in type, scale and intensity to other listed conditional uses. A roping arena with amplification and commercial stable is a Type II Conditional Use in the RH zone. The Hearing Administrator recommends **APPROVAL**, subject to **STANDARD AND SPECIAL CONDITIONS**. (District 3)

"Standard Conditions

1. An approved Development Plan.

Special Conditions

1. Organized events at the facility shall be limited to two (2) public equestrian events per week, as stated by the applicant at public hearing.
2. Use of the facility for the private practice of team penning and/or ranch sorting shall not be subject to the limitations as per Special Condition No. 1 above.
3. All organized events, attendant amplification, and any night-time lighting of the roping arena shall cease no later than 9:30 PM.
4. Parking of all vehicles, horse trailers, etc. associated with the organized events shall occur on the property and not within any adjacent public or private street rights-of-way.
5. No pistol or shooting activity is authorized on the property in conjunction with any of the organized equestrian events.

REQUIRED STANDARDS AND FINDINGS

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 the majority of this site as *Resource Transition (RT)*, with the southeast corner of the property being designated as *Low Intensity Urban Rural (LIU)*. The *Resource Transition (RT)* category is defined as a district containing: "Private land with environmentally sensitive characteristics that include wildlife corridors, natural washes, floodplains, peaks and ridges, buffers to public preserves, and other environmentally sensitive areas. Development of such land shall emphasize design that blends with the natural landscape and supports environmentally sensitive linkages in developing areas."

The entire western half of the subject property is presently in its undisturbed/natural state. Based on the fact that there will be no change in the current on-the-ground condition of the property (i.e. no new structures or site disturbance are part of this conditional use permit application due to the fact that the roping arena, etc. are already existing), this application does not appear to affect any resources essential to the County's biological conservation priorities. Based upon this reality, the Hearing Administrator finds the proposed request to not be in conflict with the property's *Resource Transition (RT)* designation.

From a practical perspective, the use in question is consistent with the surrounding residential context, many residents of which are also equestrian enthusiasts and many of whom presently utilize the existing riding arena facilities on the subject property.

In consideration of all of the above, the Hearing Administrator finds this proposed Type II Conditional Use to not be in conflict with the goals and objectives of the *Resource Transition (RT)* component of the Comprehensive Plan, nor in conflict with the property's surrounding context.

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.**

The proposed roping ring is, actually, an existing use on the property. All required permits were previously obtained for all of the structures on the property. The facility has been in operation in the neighborhood for several years, also sponsoring and holding various equestrian events, including many for Pima County 4-H clubs. Many of the surrounding residential neighbors have private equestrian facilities and many of them also attend equestrian events on the subject property. All things considered, this facility appears to operate well within its established residential context. As such, the proposed use is found to be a generally compatible use within the existing/surrounding context.

The only concerns arising in the Hearing Administrator's mind pertain to the frequency of events being held and the evening operation of the facility's lighting and amplification (public address) system during night-time hours. Special conditions have been crafted to address these concerns.

3. **It has adequate accessibility to the County road network.**
The site takes direct access from Avalon Drive, a small private, dirt roadway that lies within a private easement. Given the generally low volume of traffic that will use the proposed facility, together with the fact that much of the traffic to and from it originates from within the surrounding neighborhood area, together further with the fact that the facility has peacefully co-existed with its surrounding context for a period of years, existing 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 and loading requirements will be verified during the *Development Plan* review and approval process.
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 use possesses none of the above noxious or problematic characteristics, with the potential exception of noise and lighting. Special conditions have been crafted to address this issue.
While dust might be generated during the use of the facility, this is viewed as minimal and as being likely contained wholly within the subject property.
6. **Hours of operation will not be detrimental to adjoining residents.**
Special conditions have been crafted to insure that the hours of operation are respectful of the surrounding residential properties.
7. **Landscaping will be fully in conformance with zoning code regulations.**
Landscaping and screening requirements will be verified during the *Development Plan* review and approval process."

Jim Portner, Hearing Administrator, provided a staff report and verified proper notice took place for relevant property owners. No public comments were received.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit, subject to standard and special conditions.

13. **DEVELOPMENT SERVICES: CONDITIONAL USE PERMITS**

P21-08-057, COOPER-W. EL TIRO ROAD

Stephen and Andrea Cooper, on property located at 16480 W. El Tiro Road, in the GR-1 zone, request a Conditional Use Permit for an automobile repair store. Chapter 18.97, in accordance with Sections 18.14.030.B.4 of the Pima County Zoning Code, allows an automobile repair store as a Type II Conditional Use in the GR-1 zone. The Hearing Administrator recommends **APPROVAL**, subject to **STANDARD AND SPECIAL CONDITIONS**. (District 3)

"Standard Conditions

1. Maximum floor area of 2,000 square feet.
2. Paint spray operations are prohibited.

Special Conditions

1. Hours of operation shall be from 8:00 AM to 5:00 PM, Monday thru Saturday.

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 the majority of this site as *Low Intensity Rural (LIR)*, the stated purpose of which is, "to provide areas for residential uses at densities consistent with rural and resource-based characteristics." While the subject request is to allow auto repair activities within an established rural residential context, the written testimony of the neighbors clearly indicates that that applicant is responsible in this regard and conducts the auto repair work in conscientious consideration of his neighbors. With this being the case, and in due consideration of same, the Hearing Administrator finds this proposed Type II Conditional Use to not be in conflict with the goals and objectives of *Low Intensity Rural (LIR)* component of the Comprehensive Plan, nor in conflict with the property's surrounding context.

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.**

The proposed auto repair facility, as stated above, would be located on the applicant's residential property. The Hearing Administrator's only concerns with respect to further safeguarding the adjacent residential

properties pertain to hours of operations. A special condition has been crafted to address this issue. Otherwise, it is found that normal code requirements and development regulations, as administered and applied during the Development Plan process, will generally be sufficient to insure that this proposed use is buffered from the surrounding properties.

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

The site takes direct access from W. El Tiro Road, a paved public street which connects directly to Anway Road approximately 1/8 of a mile west of the subject property. Anway road is a designated "major street" on the Pima County Major Streets and 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.**

Parking and loading requirements will be verified during the *Development Plan* review and approval process.

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 use possesses none of the above noxious or problematic characteristics, with the potential exception of noise. A special condition has been crafted to limit the hours of operation in recognition of the surrounding residential properties.

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

A special condition has been crafted to insure that the hours of operation are respectful of the surrounding residential properties.

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

Landscaping and screening requirements will be verified during the *Development Plan* review and approval process."

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías, and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit, subject to standard and special conditions.

14. **DEVELOPMENT SERVICES: CONDITIONAL USE PERMITS**

P21-08-033, VARGAS AND LORTA–W. VALENCIA ROAD

Luis Vargas, on property located at 2600 W. Valencia Road, in the GR-1 zone, requests a Conditional Use Permit for a restaurant. Chapter 18.97, in accordance with Section 18.14.030.B.8 of the Pima County Zoning Code, allows a restaurant as a Type II Conditional Use in the GR-1 zone. The Hearing Administrator recommends **APPROVAL**, subject to **STANDARD AND SPECIAL CONDITIONS**. (District 5)

"Standard Conditions

1. An approved Development Plan.
2. Maximum floor area is 2,000 square feet

Special Conditions

3. Vehicular access to the property shall be to/from Valencia Road only.
4. Hours of operation shall be no later than 9:00 PM, seven days a week.

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 the majority of this site as *Medium Intensity Urban (MIU)*, the stated purpose of which is, "to designate areas for medium density residential and other compatible uses." The subject property fronts directly onto Valencia Road, a major public arterial street. While the subject property and those around it are presently developed as residential, it is reasonable that such a lot with direct Valencia Road frontage (and established access to/from it) could be converted into a small restaurant use. The applicant has stated that his initial plans involve establishing more or a "snack shop" than a full-service restaurant facility. Nonetheless, all Pima County regulations and development standards for a full restaurant operation will still apply.

In consideration of all of the above, the Hearing Administrator finds this proposed Type II Conditional Use to not be in conflict with the goals and objectives of *Medium Intensity Urban (MIU)* component of the Comprehensive Plan, nor in conflict with the property's surrounding context.

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.**

The proposed restaurant, as stated above, would involve the conversion of an existing residential structure and the construction of all attendant/required site improvements in accordance with Pima County Zoning Code requirements. The Hearing Administrator's only concerns with respect to further safeguarding the

adjacent residential properties pertain to vehicular traffic and hours of operations. Special conditions have been crafted to address these issues. Otherwise, it is found that normal code requirements and development regulations, as administered and applied during the Development Plan process, will generally be sufficient to insure that this proposed use is properly buffered from the surrounding properties.

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

The site takes direct access from Valencia Road, a designated "major street" on the Pima County Major Streets and 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.

Parking and loading requirements will be verified during the *Development Plan* review and approval process.

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 use possesses none of the above noxious or problematic characteristics, with the potential exception of noise. A special condition has been crafted to limit the hours of operation in recognition of the surrounding residential properties.

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

A special condition has been crafted to insure that the hours of operation are respectful of the surrounding residential properties.

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

Landscaping and screening requirements will be verified during the *Development Plan* review and approval process."

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Chairman Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit, subject to standard and special conditions.

15. DEVELOPMENT SERVICES: REZONING ORDINANCE

ORDINANCE NO. 2008-99, Co9-07-04, Fidelity National Title TR 60303–Valencia Road Rezoning. Owner: Fidelity National Title TR 60303. (District 3)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2008-99.

16. TRANSPORTATION: ABANDONMENT RESOLUTION

RESOLUTION NO. 2008-282, of the Pima County Board of Supervisors, abandoning to the City of Tucson, all portions of South Twelfth Avenue, South Tenth Avenue, Jetty Avenue, Clark Avenue, Forty-Third Street, and Forty-Fourth Street lying within the incorporated limits of the City of Tucson. (Districts 2 and 5)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2008-282.

17. TRANSPORTATION: TRAFFIC ORDINANCES

A. ORDINANCE NO. 2008-100, of the Board of Supervisors, regulating parking on Los Reales Road in Pima County, Arizona. Staff recommends APPROVAL. (District 2)

B. ORDINANCE NO. 2008-101, of the Board of Supervisors, establishing prima facie reasonable speed limits on Continental Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

- C. ORDINANCE NO. 2008-102, of the Board of Supervisors, establishing prima facie reasonable speed limits on Mary Ann Cleveland Way in Pima County, Arizona. Staff recommends APPROVAL. (District 4)
- D. ORDINANCE NO. 2008-103, of the Board of Supervisors, designating Mary Ann Cleveland Way as a through street in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance Nos. 2008-100, 2008-101, 2008-102 and 2008-103.

18. **CONTRACTS**

A. **COMMUNITY SERVICES**

- 1. Tucson Youth Development, Inc., to provide after-school work experience activities, U. S. Department of Labor and DES Funds, (expenditure dependent upon client status and eligibility), contract amount \$137,409.00; General Fund, contract amount \$15,000.00; total contract amount \$152,409.00 (07-69-T-141440-0908)
- 2. Tucson Urban League, to provide after-school work experience activities, U. S. Department of Labor and DES Funds, (expenditure dependent upon client status and eligibility), contract amount \$63,003.00; General Fund, contract amount \$7,000.00; total contract amount \$70,003.00 (07-69-T-141441-0908)

B. **CULTURAL RESOURCES**

- 3. Northland Research, Inc., Amendment No. 3, to provide interconnect archeological data recovery services at the Roger Road WWTP to Ina Road RWRP Plant and amend contractual language, 2004 Sewer System Revenue Bond Fund, contract amount \$996,829.00 (07-73-N-140834-0408)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to approve the contracts.

C. **HEALTH DEPARTMENT**

- 4. Mission View Assembly of God, to provide for the Higher Ground After School Program, 1% for Youth Fund, contract amount \$1,000.00 (32-01-M-141442-1008)
- 5. Sunnyside Unified School District, to provide for the Sunnyside Digital Advantage Program, 1% for Youth Fund, contract amount \$5,000.00 (32-01-S-141453-1108)

Supervisor Day inquired about new contract language. Chuck Huckelberry, County Administrator, stated it referred to an expenditure control placed on disbursements.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the contracts.

D. PUBLIC WORKS—REAL PROPERTY

6. Town of Marana, to provide to Pima County and Pima County Flood Control District an amended and restated Acquisition Agreement, Temporary Construction Easement, Public Ingress-Egress and Utility Easement and a Special Warranty Deed for property needed for the I-10 Traffic Interchange at Twin Peaks Road, Tax Parcel Nos. 226-15-002B, 226-15-002C and 226-15-020D, located in Sections 21 and 22, T12S, R12E, total contract amount \$99,200.00 revenue (22-59-M-141092-1008)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to approve the contract.

19. CALL TO THE PUBLIC

Michael Toney spoke about Iraq.

Joe Sweeney spoke about illegal aliens.

20. ADJOURNMENT

The meeting adjourned at 10:27 a.m.