

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

JANUARY 19, 2010

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 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 19, 2010. Upon roll call, those present and absent were as follows:

All Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Lori Godoshian, Clerk

1. LITIGATION

The Board of Supervisors' on 10/13/09, continued the following:

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 Nos. P08ZV00529, 1 and 3, 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 the Board of Supervisors' Meeting of March 9, 2010.

2. APPEAL OF HEARING OFFICER'S DECISION

The Board of Supervisors' on 10/13/09, continued the following:

P08ZV00529-1 and 3, James Hessler

In accordance with the Pima County Zoning Code Section 18.95.030C, James Hessler, appeals the decision of the Hearing Officer in Case No. P08ZV00529-1, for a violation of the Zoning Code, Sections 18.07.030C and 18.09.020Q, open storage of used materials, debris and inoperable vehicles; and Case No. P08ZV00529-3, for a violation of the Zoning Code, Sections 18.21.010 and 18.21.020, contractor's yard not a permitted or conditional use in CR-1, on property located at 340 N. Hilton Road, Vail, AZ. (District 4)

Without objection, this item was continued to the Board of Supervisors' Meeting of March 9, 2010.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:45 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

JANUARY 19, 2010

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 19, 2010. Upon roll call, those present and absent were as follows:

All Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Vernon Hawkins, La Iglesia de Cristo.

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. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Jody Sullivan and family in recognition of Paul Brady Sullivan's 20 years of service at the Jackson Employment Center and proclaiming that the facility located at 400 E. 26th Street, South Tucson, be known as the:

"SULLIVAN JACKSON EMPLOYMENT CENTER"

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

Chairman Valadez and Supervisor Elías read and presented the proclamation to Jody Sullivan and members of her family. Mrs. Sullivan accepted the proclamation and expressed her family's appreciation for the Board's recognition. Supervisors Elías, Carroll, and former Supervisor Dan Eckstrom spoke about Paul Brady Sullivan's years of dedicated service to his community.

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:20 a.m.

5. **RECONVENE**

The meeting reconvened at 9:47 a.m. All members were present.

6. **CALL TO THE PUBLIC (for Executive Session items only)**

The Chairman inquired whether anyone wished to be heard on any items listed under Executive Session. No one appeared.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a potential conflict of interest to allow Squire, Sanders & Dempsey, L.L.P., to represent Durodyne, Inc., and its corporate parent Eaton Corporation on the Broadway Pantano Landfill matter.

Chris Straub, Chief Civil Deputy County Attorney, stated this item concerned a request for a waiver of a potential conflict of interest to allow the law firm of Squire, Sanders & Dempsey, L.L.P., to represent Durodyne, Inc., and its corporate parent Eaton Corporation, on the Broadway Pantano Landfill matter. He affirmed that such waivers were at the discretion of the Board.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to waive the potential conflict of interest with the stipulation that the Board be notified should a conflict of interest arise.

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the proposed settlement in Sunwest/Canyon Crest Assisted Living, District Court Case No. 09-CV-06056, Tax Parcel No. 133-09-109A.

Chris Straub, Chief Civil Deputy County Attorney, reported that Pima County had a claim for 2008 delinquent taxes on real property located at 8151 E. Speedway. The claim was for the principal amount of the tax (\$70,769.85), interest (\$9,435.98), and penalties (\$3,538.50) with the total amount at \$85,631.53. The attorney for the receiver had offered to pay \$70,769.85 within 30 days if Pima County would waive the interest and penalties. The Pima County Treasurer's Office and the County Attorney's Office recommended settlement.

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

9. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

B. **APPROVAL OF CONSENT CALENDAR**

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Community Development & Neighborhood Conservation**

1. RESOLUTION NO. 2010 - 19, approving an Intergovernmental Agreement with the Three Points Fire District, to provide fire safety equipment for the term 10/1/09 – 9/30/10, CDBG Fund, contract amount \$30,000.00 (01-70-T-142674-1009)

B. **County Attorney**

2. Gabroy, Rollman & Bosse, P.C., Amendment No. 2, to provide legal representation in the matter of the Town of Marana v. Pima County, et. al., No. C20076038, RWRD User Fees Fund, contract amount not to exceed \$100,000.00 (17-02-G-140477-1007)

C. **Information Technology**

3. New Cingular Wireless PCS, L.L.C., to provide a Nonexclusive Right-of-Way Use License for co-located wireless communication facilities on property at 3220 West Ina Road, contract amount \$30,000.00 revenue/5 year term (12-14-N-142671-0110)
4. New Cingular Wireless PCS, L.L.C., to provide a Nonexclusive Right-of-Way Use License for co-located wireless communication facilities on property at 2902 W. Paseo de las Aves, contract amount \$30,000.00 revenue/5 year term (12-14-N-142672-0110)

D. **Pima Health System**

5. Villa Maria Care Center, L.L.C., Amendment No. 8, to provide long term care and skilled nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-V-137039-1005)

E. **Procurement**

6. Sun-Western Contractors, Inc., Amendment No. 7, to provide a job order contract for various wastewater plant construction services and extend contract term to 1/2/11, RWRD System Development Fund, contract amount \$1,000,000.00 (26-03-S-137599-0106) Regional Wastewater Reclamation
7. Quest Civil Constructors, Inc., Amendment No. 7, to provide a job order contract for various wastewater plant construction services and extend contract term to 1/14/11, RWRD System Development Fund, contract amount \$2,000,000.00 (26-03-Q-137603-0106) Regional Wastewater Reclamation

Awards

8. Low Bid: Award of Contracts, Requisition No. 1000926, in the total annual amount of \$960,000.00 to the following companies for specialized durable medical equipment. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: PHCS Enterprise Fund. Administering Department: Pima Health System.

<u>Contractor (HQ Location)</u>	<u>Annual Amount</u>
Stat-Med, Inc. (Phoenix, AZ)	\$621,800.00
Apria Healthcare, Inc. (Lake Forest, CA)	\$169,200.00
Dependable Medical Equipment, Inc. (Tucson, AZ)	\$ 99,000.00
KCI USA, Inc. (San Antonio, TX)	\$ 70,000.00

9. Direct Select Award of Contract, Requisition No. 1000778, in an amount not to exceed \$83,180.00 to PSOMAS, Inc. (Headquarters: Los Angeles, CA) to complete design services for the Homer Davis Elementary School Pedestrian Enhancement Project begun under Qualified Consultants List (QCL), Contract No. 25-04-M-138362-0706. As a result of an unanticipated need for additional services, the value of the QCL contract approached the \$250,000.00 limit established in Board Policy D29.1 and was allowed to expire

in July, 2009. PSOMAS requires an additional \$83,180.00 to complete the design. A.R.S. §34-103 and Board Policy No. D29.1 provide authority for direct selection. Funding Source: 12.6% Urban HURF Fund. Administering Department: Transportation.

10. Direct Select Award of Contract, Requisition No. 1000777 in an amount not to exceed \$96,502.62 to SAGE Landscape, Architectural and Environmental, Inc. (Headquarters: Tucson, AZ) to complete engineering services begun under Qualified Consultants List (QCL), Contract No. 25-04-S-138402-0806 for the Laguna Elementary School Pedestrian Enhancement Project. As a result of an unanticipated need for additional services, the value of the QCL contract approached the \$250,000.00 limit established in Board Policy D29.1 and was allowed to expire in July, 2009. SAGE requires an additional \$96,502.62 to complete the design. A.R.S. §34-103 and Board Policy No. D29.1 provide authority for direct selection. Funding Source: 12.6% Urban HURF Fund. Administering Department: Transportation.

2. DIVISION OF ELECTIONS

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments:

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Miller, Janet S.	088	REP
Conn, Sharon	181	REP
Wortman, June C.	206	DEM
McDonald, Steven J.	280	REP
Kaufman, David	304	REP
Ekrom, Evalyn	330	REP
Miller, Brian	382	REP
Parr, Gwen A.	384	REP
Parr, Myron R.	384	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Harsha, Nancy G.	088	REP
Olivieri, Frank R.	148	REP
Haney, Delmer D.	175	REP
Paulley, Marjorie D.	238	REP
Schutte, Karen M.	265	REP
Dockery, Charles R.	274	REP
Hernandez-Eagle, Leticia	319	DEM
Weber, Bruce R.	323	REP
Bissett, Alex	341	REP
Hanover, Nancy	346	REP
Hubbard, Joyce G.	388	REP
Hubbard, William H.	388	REP
McCurdy, Lyle B.	411	REP

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

A. **Metropolitan Education Commission**

Reappointments: Term expirations: 12/31/12
Magdalena Barajas, Social Services Agency serving
Children/Youth

Mari Helen High, Religious Community

George Favela, Public Sector – Parent

Abbie Stone, Health Care Community

Richard Elías, Board of Supervisors

(Chairman appointments)

B. **Pima County/Tucson Commission on Addiction,
Prevention and Treatment**

Reappointment of Rob Druckenbrod. Term expiration:
11/30/11. (Commission recommendation)

4. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document
Storage and Retrieval Fund for the month of August 2009.

5. **REAL PROPERTY**

Abandonment

RESOLUTION NO. 2010 - 20, of the Pima County Board of
Supervisors, providing for the vacation of a public ingress/egress
easement know as Cienega Lake Drive, Pima County
Abandonment No. A-09-06, within Section 9, T16S, 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(s) will be made available for
public review or copies may be obtained for \$.35 per page at the
Public Works Building, Regional Wastewater Reclamation
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(s):

- A. Ventana Grill, Inc., d.b.a. Risky Business Grill, No. 2009-25. Proposed settlement amount is in accordance with the Industrial Wastewater Enforcement Plan.
- B. Pizza Hut of Arizona, Inc., d.b.a., Pizza Hut Wingstreet, No. 2009-19. Proposed settlement amount is \$800.78.

7. RATIFY AND/OR APPROVE

Minutes: December 1, 2009

REGULAR AGENDA/ADDENDUM ITEMS

10. FLEET SERVICES: ANNUAL VEHICLE EXEMPTIONS

Pursuant to A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2010.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the annual vehicle exemptions for 2010.

11. REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENTS

Staff recommends approval of the following proposed Pretreatment Settlement Agreements, RWRD Enterprise Fund.

- A. Smith's Food & Drug Centers, Inc., d.b.a. Fry's Food & Drug Store, Case No. 2009-16. Proposed settlement amount is \$1,668.56.
- B. Discount Tire Co., Inc., Case No. 2009-17. Proposed settlement amount is \$1,000.00.

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

12. FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSES

- A. 09-35-9006, Randy Allen Guse, Walgreens No. 02372, 7114 N. Oracle Road, Tucson, Series 10, Beer and Wine Store, New License.
- B. 09-36-9007, Thomas Robert Aguilera, Tavolino, 2890 E. Skyline Drive No. 160, Tucson, Series 12, Restaurant, New License.

- C. 09-37-9008, Randy Allen Guse, Walgreens No. 04266, 2150 W. Orange Grove Road, Tucson, Series 10, Beer and Wine Store, New License.
- D. 09-38-9009, Randy Allen Guse, Walgreens No. 05532, 2929 W. Valencia Road, Tucson, Series 10, Beer and Wine Store, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared.

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings, approve the applications for liquor licenses and forward the recommendations to the Arizona State Liquor License and Control.

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

09-39-9010, Douglas Baldwin Stewart, Ciones Italiano, 13190 E. Colossal Cave Road, No. 160, Tucson, Series 12, Restaurant, New License.

Without objection, this item was continued to the Board of Supervisors' Meeting of February 2, 2010.

14. **FRANCHISE/LICENSE/PERMIT: EXTENSION OF PREMISES/PATIO PERMIT**

Lori Lynn Blew, Holiday Inn-Tucson, 4550 S. Palo Verde, Tucson, Temporary Extension of Premises for February 5-12, 2010.

The Chairman inquired whether anyone wished to be heard. No one appeared.

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, approve the application for a temporary extension of premises/patio permit and forward the recommendation to the Arizona State Liquor License and Control.

15. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

The Board of Supervisors' on 11/17/09 and 12/15/09 continued the following:

Co9-04-06, FIDELITY NATIONAL TITLE, TRUST NO. 30226 – CAMINO VERDE REZONING

Request of Fidelity National Title, Trust No. 30226, for a five-year time extension of a rezoning from SR (Suburban Ranch) to CR-4 (Mixed Dwelling Type) Small Lot Option for approximately 29.09 acres located on the east side of Camino Verde approximately one half mile south of Ajo Highway. The subject site was rezoned in 2004 and expires in 2009. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

IF THE DECISION IS MADE TO APPROVE THE TIME EXTENSION, THE FOLLOWING ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements by September 14, 2014:

- 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, Document Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation Conditions:
 - A. A Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system. The property owner(s) shall be responsible for construction of improvements as required by the Department of Transportation to meet concurrency requirements. Property owner/developer shall construct improvements on Camino Verde as required by Department of Transportation.
 - B. Construction of sidewalk within the Copper Leaf Drive right-of-way, along the south side of Copper Leaf Drive along all frontage of the rezoning.
 - C. The property owner(s) shall dedicate 5 feet right-of-way for Camino Verde.
 - D. The property owner(s) shall dedicate 45 feet right-of-way for Drexel Road. The property owner shall dedicate 45 feet right-of-way for Drexel Road and up to 75 feet right-of-way for approximately 600 feet east of Camino Verde for the transition of the centerline of the planned 150 feet wide right-of-way for Drexel road, as approved by Department of Transportation.
8. Flood Control Conditions:
 - A. The property owner 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.
 - B. The property owner(s) shall provide all on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District. Impacts to off-site culverts/roads shall be addressed in the hydrology report for the subdivision during the platting process.
 - C. The property owner(s) shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - D. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
9. Wastewater Management Condition:
 - A. The owner(s)/developer(s) shall fund, design and construct all necessary off-site and on-site public sewers to provide both capacity and service to the rezoning area and any adjacent up-gradient properties that do not have access to the public sewer system, in the manner specified at the time of review of the tentative plat, development plan or request for building permit. The off-site sewer lines shall also be designed and constructed to provide both capacity and service to any properties that do not have access to the public sewer system that may be located between the existing service area and the rezoning area. The owner / developer 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 not request that the sewer lines be accepted into Pima County's public sewer system until sufficient treatment capacity to serve the rezoning area is available at the Avra Valley Wastewater Treatment Facility, and all necessary changes to this facilities operating permits have been obtained. The owner / developer shall obtain written documentation from the PCRWRD that 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 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.
- C. Treatment and conveyance capacity in Pima County's public sewerage system shall not be allocated for any proposed development within the rezoning area until such time that the construction of all necessary public sewerage system extensions and improvements have been completed as specified in a formal Sewer Service Agreement executed between the owner(s)/developer(s) and Pima County, approved for use by the Arizona Department of Environmental Quality, and accepted into Pima County's public sewer system.
The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- D. All development within the rezoning area shall connect to the public sewer system at the location and in the manner specified by the Pima County Wastewater Management Department at the time of review of the tentative plat, development plan, sewer improvement plan, or request for building permit.
- E. No permits for construction of any dwelling units or commercial uses shall be requested by the owner(s)/developer(s) until wastewater treatment capacity expansion is fully funded and actual treatment capacity is either available or forecasted to be available at the time of the actual development.
10. Adherence to the preliminary development plan as approved at public hearing .
11. The property owner(s) shall provide at least ten percent (10%) of the residential units for affordable housing or agree to abide by current Pima County affordable housing policy in effect at the time residential building permits are issued.
12. Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.
13. Natural Resources, Parks and Recreation Department conditions:
- A. The property owner(s) shall dedicate the land encumbered by the El Paso Natural Gas to Pima County.
- B. The El Paso Gas Line Easement shall be labeled as a 120-foot "Public Non-Motorized Trail Easement and Public Utility Easement" and "EPCTSMP Trail #23" on the final plat.
- C. The property owner(s) shall construct the Divided Urban Pathway as depicted on the preliminary development plan and shall be completed by 75% permit stage.
14. Under no circumstances shall the following exotic plant species be planted anywhere on the site:
 Fountain grass (*Pennisetum setaceum*)
 Buffelgrass (*Pennisetum ciliare*)
 Johnson grass (*Sorghum halapense*)
 Giant reed (*Arundo donax*)
 Common crabgrass (*Digitaria sanguinalis*)
 Pampas grass (*Cortaderia selloana*)
 Red brome (*Bromus rubens*)
 Mediterranean grass (*Schismus* spp.)
 Tree of heaven (*Ailanthus altissima*)
 African sumac (*Rhus lancea*)
 Russian olive (*Eleagnus angustifolia*)
 Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
 Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
 Lovegrasses (*Eragrostis* spp.) excluding Plains lovegrass (*Eragrostis intermedia*)
15. Department of Environmental Quality Condition:
- A. As a condition of approval, all development within the rezoning areas shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan or request building permit. On-site wastewater disposal shall not be allowed.
- B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.

16. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

Tom Hudson, Zoning Administrator, provided a report confirming that all zoning revisions were completed to the satisfaction of the Department of Transportation, the Regional Wastewater Reclamation Department and the applicant. He concluded that staff recommended approval of the five-year time extension with additional and modified standard and special conditions.

The Chairman inquired whether anyone wished to be heard. No one appeared.

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the five-year time extension subject to additional and modified standard and special conditions.

16. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

Co9-03-37, ST. MARY'S SECOND CENTURY FOUNDATION – LA CANADA DRIVE REZONING

Request of the Carondelet Foundation, Inc., represented by Stubbs & Schubart, P. C., for a five-year time extension of a rezoning from CR-5 (Multiple Residence) to TR (Transitional) for the remaining 6.88 acres of the original 13.55 acre rezoning located on the north side of Camino Casa Verde, approximately 725 feet west of La Canada Drive. The subject site was rezoned in 2004. The rezoning expired on May 4, 2009. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

IF THE DECISION IS MADE TO APPROVE THE TIME EXTENSION, THE FOLLOWING MODIFIED STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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, Document Services Division.
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. ~~A Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning, for review and approval by the Department of Transportation, prior to or at the first development plan or tentative plat submittal. The TIA shall address all possibilities for traffic improvements at the intersection of La Canada Drive and Camino Casa Verde, including the feasibility of closing the left turn lane. The results of the approved TIA shall be used to establish required transportation improvements to the area roadway system. The property owner(s) shall provide necessary improvements on Camino Casa Verde as~~

- ~~determined necessary by the Department of Transportation based upon the TIA as approved by the Department of Transportation. The property owner/developer shall provide an updated Traffic Impact Study to address additional offsite improvements on Camino Casa Verde and the intersection of Camino Casa Verde and La Canada Drive. Property owner/developer shall construct off-site improvements determined necessary by the Department of Transportation.~~
- B. ~~The property owner(s) shall dedicate to Pima County appropriate right-of-way to allow for the construction and continuation of the existing sidewalk on the north side of Camino Casa Verde, as determined necessary by the Department of Transportation during plat/plan review. The property owner/developer shall dedicate right-of-way for roadway, curb and sidewalk as determined necessary prior to approval of a Development Plan.~~
 - C. Construction of a sidewalk along the north side of Camino Casa Verde, providing continuation of the existing sidewalk located east of the rezoning.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
 - E. The easterly driveway, as shown on Green Valley Medical Office Complex (Development Plan P1204-043), shall be closed and removed prior the Certificate of Occupancy for any building.
 - F. The westerly driveway, as shown on Green Valley Medical Office Complex (Development plan P1204-043), shall be reconstructed and a right turn lane shall be constructed prior the Certificate of Occupancy for any building.
8. Flood Control conditions:
- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - C. The property owner(s) shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - D. The property owner(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 critical basin.
9. ~~Wastewater Management Reclamation conditions:~~
~~The property owner (s) shall 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 permits.~~
- A. The owner/developer 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/developer shall obtain written documentation from the PCRWRD 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.
 - C. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
10. Cultural Resources and Historic Preservation condition:
~~A Class III Cultural Resources Inventory shall be conducted prior to the development of the site.~~
 Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted 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.

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.

11. Adherence to the preliminary development plan as approved at public hearing. Building heights are restricted to a maximum 24 feet and two stories.
- ~~12.~~ ~~Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to the Development Services Department.~~
- ~~13.~~ 12. Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to the Development Services Department. If Pima pineapple cactus are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.
- ~~14.~~ 13. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:
 - Fountain grass (*Pennisetum setaceum*)
 - Johnson grass (*Sorghum halapense*)
 - Common crabgrass (*Digitaria sanguinalis*)
 - Red brome (*Bromus rubens*)
 - Tree of heaven (*Ailanthus altissima*)
 - Russian olive (*Eleagnus angustifolia*)
 - African sumac (*Rhus lancea*)
 - Mediterranean grass (*Schismus spp.*)
 - Buffelgrass (*Pennisetum ciliare*)
 - Pampas grass (*Cortaderia selloana*)
 - Giant reed (*Arundo donax*)
 - Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
 - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
 - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
- ~~15.~~ 14. ~~The split of the rezoning site into two lots (for current proposed development and future proposed development) shall require all All existing and proposed development within the entire rezoning site to shall be shown on development plans.~~
15. Architectural design shall promote the Southwestern style. Colors shall blend with their desert surroundings and the existing built environment.
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(l)."

Tom Hudson, Zoning Administrator, provided a report outlining the applicant's future plans for the site. The applicant had cited the recent slowing of the economy as the reason for the delay of development at the location. Staff received (1) verbal comment opposing the request but no written comments were received.

The Chairman inquired whether anyone wished to be heard. No one appeared.

It was thereupon moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the five-year time extension subject to modified standard and special conditions.

17. DEVELOPMENT SERVICES: REZONING

The Board of Supervisors' on 12/15/09, continued the following:

Co9-07-20, SAHUARITA CORNERS L.P./EQUIVEST PROPERTIES L.P. – KOLB ROAD REZONING

Request of Sahuarita Corners L.P./Equivest Properties L.P., represented by The Planning Center, for a rezoning of approximately 149.7 acres from RH (Rural Homestead) to CR-1 (Rural Residential) on property located at the northwest corner of Sahuarita Road and the Kolb Road alignment. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voting Nay) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

Without objection, this item was continued to the Board of Supervisors' Meeting of February 9, 2010.

18. DEVELOPMENT SERVICES: REZONING

Co9-09-01, VAIL UPRR SOUTH, L.L.C., ET. AL. – ROCKET ROAD REZONING

Request of Vail UPRR South, L.L.C., represented by The Planning Center, for a rezoning of approximately 158.00 acres from RH (Rural Homestead) to CR-5 (Multiple Residence), on property located at the eastern terminus of Rocket Road, approximately 1,000 feet west of Colossal Cave Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7 – 1 (Commissioner Gungle voting Nay; Commissioner Matter was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

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. Offsite improvements to Colossal Cave Road shall be provided by the property owner/developer, as determined necessary by the Department of Transportation.
 - B. The property owner/developer shall provide for and construct paved, legal access from the east boundary of the site to Colossal Cave Road (Segment 1, as shown on Exhibit II.K.2 of the site analysis), or other means of paved legal access, as approved by the

- Department of Transportation. The roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, shoulders and an ADA acceptable pedestrian/bicycle path on one side of the roadway. The property owner/developer may be required to continue the pedestrian access south to Acacia Elementary if no pedestrian access exists at the time of improvement plan review.
- C. The property owner/developer shall provide for and construct a major collector within the site, between the eastern property boundary and the easternmost road within Block 2 (Segment 2, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes, one center turn lane and two bike lanes, with curb and sidewalk or path on one side.
 - D. The property owner/developer shall provide for and construct a residential collector within the site, between the west property boundary and the easternmost street within Block 2 (Segment 3, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, with curb and sidewalk or path on one side.
 - E. The property owner/developer shall provide for and construct onsite turnaround for the interior collector until such time that a through connection is provided, as required by the Department of Transportation.
 - F. Through access shall be provided to the west and south of the rezoning by the owner/developer.
 - G. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to the Pima County Development Review Section prior to the approval of the final plat.
8. Flood Control conditions:
- A. The property owner / developer shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - B. Trail and drainage channels must be separate.
 - C. A riparian mitigation plan shall be required for development in designated riparian areas.
 - D. The property owner / developer shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
 - E. Low Intensity Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.

Tom Hudson, Zoning Administrator, provided a report on the proposed use of the site. A comment was received from Kinder-Morgan Pipeline Company, who owns a 30-foot easement along the northern portion of the property which contains (1) out of service and two active petroleum lines. Kinder-Morgan requested that development be coordinated through them and their design and construction guidelines be followed. The applicant agreed to this request.

The Chairman inquired whether anyone wished to be heard. No one appeared.

It was thereupon moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning subject to standard and special conditions.

19. **CONTRACTS AND AWARDS**

A. **Institutional Health**

1. RESOLUTION NO. 2010 – 21, approving an Intergovernmental Agreement with the Arizona Superior Court, to provide administration and oversight of health services to juveniles at the Pima County Juvenile Detention Center, General Fund, contract amount not to exceed \$100,000.00 revenue (01-65-A-142695-0210)
2. Conmed, Inc., to provide health services for juveniles at the Pima County Juvenile Detention Center from 11/20/09 to 6/30/12, General Fund, contract amount not to exceed \$2,795,000.00 (18-65-C-142696-1109)

B. **Procurement: Award**

3. Low Bid: Award of Contract, Requisition No. 1000908, in the amount of \$7,109,589.20 to the lowest responsive bidder, Southern Arizona Paving and Construction Co. (Headquarters: Tucson, AZ) for the construction of the Tanque Verde Road: Catalina Highway to Houghton Road Project. The contract term is thirty months with the ability to extend for project completion. Construction is to be completed within 300 working days from the Notice to Proceed. The Department of Transportation requests that the Procurement Director's Change Order authority be increased up to \$500,000.00 per change order, not to exceed a cumulative total of \$1,000,000.00 for this project. Funding Sources: 1997 HURF Bond – DOT 31 (5.9%); HURF (.2%); RTA Sales Tax (67.5%); and Urban HURF (26.4%). Administering Department: Transportation.

C. **Procurement: Award**

4. Award of Contract, Requisition No. 1000825 to HDR Architecture, Inc. (Headquarters: Omaha, NE) for architectural and engineering design services for the Regional Optimization Master Plan (ROMP) Central Laboratory Complex in the amount of \$1,400,000.00. Contract term is 27 months with the ability to extend for project completion. In the event a fee agreement cannot be reached with the recommended firm, request authorization to terminate negotiations and proceed to negotiations with the next highest ranked firms in the following order: SmithGroup, Inc. (Headquarters: Detroit, MI) and Deutsch Group (Headquarters: Phoenix, AZ), until the final list is exhausted. Funding source: Capital Fund – Sewer Revenue Obligation. Administering Department: Facilities Management.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the contracts, awards and adopt Resolution No. 2010 – 21.

20. **BOARD, COMMISSION AND/OR COMMITTEE: PLANNING AND ZONING COMMISSION**

Reappointment of Bob Cook. Term expiration: 6/19/13. (District 5)

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

21. **TRANSPORTATION**

RESOLUTION NO. 2010 - 22, of the Board of Supervisors of Pima County, permitting the temporary closure of Malacate Street in the Town of Ajo, Arizona, for the Desert Senita Community Health Fair on January 30, 2010. Staff recommends APPROVAL. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2010 – 22.

22. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to address the Board. No one appeared.

23. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:45 a.m.