

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

SEPTEMBER 20, 2011

The Pima County Zoning Enforcement Board of Appeals met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 20, 2011. 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
 Robin Brigode, Clerk

1. LITIGATION

The Board of Supervisors on 8/15/11 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 No. P11CV00002-1, Life Enrichment Poverty Intervention. The Board may also, during the course of the hearing and upon motion, enter into executive session.

Executive session was not held.

2. APPEAL OF HEARING OFFICER'S DECISION

P11CV00002-1, LIFE ENRICHMENT POVERTY INTERVENTION

In accordance with the Pima County Zoning Code Section 18.95.030C, Life Enrichment Poverty Intervention, Raymond Lockwood, the defendant, appeals the decision of the Hearing Officer in Case Number P11CV00002-1. The citation was for a violation of the Zoning Code Section 18.09.020Q (open storage-burnt structure and all the debris from the fire damage). (District 3)

Staff reported the property had been brought into substantial compliance, that the Hearing Officer had dismissed all administrative fines and closed the case. The Board of Supervisors took no action on this item

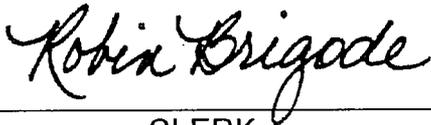
3. ADJOURNMENT

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



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

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 Richard Elías, Member
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1. **INVOCATION**

The invocation was given by Father Miguel Mariano, St. Joseph 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.

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:09 a.m.

4. **RECONVENE**

The meeting reconvened at 9:50 a.m. All members were present.

5. **CALL TO THE PUBLIC (for Executive Session item only)**

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

6. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding pre-litigation requests for guidance on the following parcels:

- A. American Red Cross, Tax Parcel No. 140-41-015A
- B. Four Peterson, L.L.C., Tax Parcel No. 117-11-0980

Chris Straub, Chief Civil Deputy County Attorney, stated the Assessor and County Attorney's office sought direction on how to proceed with the tax exemption disputes.

On consideration, it was moved by Supervisor Elías seconded by Supervisor Day and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to proceed as discussed in Executive Session.

7. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of AR Silver Bell, Inc. v. Pima County and ADOR, Arizona Tax Court Case No. TX2007-000596 and TX2010-000958 (Silver Bell Mine, Tax ID No. 51-901).

Chris Straub, Chief Civil Deputy County Attorney, stated these cases involved the classification of the mining operation for Tax Years 2008 through 2011. Because the property in this litigation was centrally assessed, Pima County was being represented by the Attorney General's Office. The Pima County Attorney's Office and Assessor requested permission to proceed as discussed in executive session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Bank of America v. Pima County, Arizona Tax Court Case No. TX2010-001328, Tax Parcel No. 219-10-1100.

Chris Straub, Chief Civil Deputy County Attorney, stated the Pima County Attorney's Office and Assessor recommended a decrease in the Full Cash Value (FCV) from \$3,973,760.00 to \$1,575,000.00 for tax year 2010 and a decrease in the FCV from \$3,179,008.00 to \$1,400,000.00 for tax year 2011.

On consideration, it was moved by Supervisor Bronson seconded by Supervisor Day and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to approve the recommendation.

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of CJR at Valley Verde, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2010-000673, Tax Parcel No. 303-33-5580.

Chris Straub, Chief Civil Deputy County Attorney, stated the Pima County Attorney's Office and Assessor recommended a decrease in the Full Cash Value (FCV) from \$5,389,785.00 to \$4,200,000.00 and a decrease in Limited Value (LV) from \$5,389,785.00 to \$3,822,000.00 for tax year 2011.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Insight Homes, Inc. et al. v. Pima County, Arizona Tax Court Case No. TX2010-001304, Dove Mountain III – 22 Parcels; Dove Mountain IV – 18 Parcels; Caddis Haley Estates – 95 Parcels.

Chris Straub, Chief Civil Deputy County Attorney, stated the County Attorney's Office and Assessor recommended the following for tax year 2011.

- A. Eighty-five parcels located in Caddis Haley Estates south of Valencia Road and west of Wade Road. The noticed Full Cash Value (FCV) for those parcels is \$18,782.00 each. It is recommended that a FCV and Limited Value (LV) of \$16,000.00 each be given to Tax Parcel Nos. 210-36-0040 thru 0100, 0130 thru 0380, 0440 thru 1120, 1150 thru 1420, 1440, 1500 thru 1630. These values will not rollover for 2012.

The following are not owned by the plaintiff and will be dismissed from the lawsuit: Tax Parcel Nos. 210-36-0030, 0110, 0120, 0390 thru 0430, 1140, 1430 and 1490.

- B. Eighteen parcels located in Preserve III at Dove Mountain. The 2011 FCV was \$63,862.00 each. It is recommended the FCV and LV of the following Tax Parcel Nos. be lowered to \$37,000.00 each: 218-55-4340 thru 4420, and 5120 thru 5200. These values will rollover for 2012.
- C. Twenty-two parcels located at Dove Mountain. The noticed FCV was \$100,001.00 each. It is recommended the FCV and LV of the following Tax Parcel Nos. be lowered to \$37,000.00: 218-55-3360 thru 3460, and 3690 thru 3790. These values will rollover for 2012.

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

11. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of MSA 1 L.L.C. v. Pima County, Arizona Tax Court Case No. TX2010-000695, Tax Parcel No. 221-05-150L.

Chris Straub, Chief Civil Deputy County Attorney, stated the Pima County Attorney's Office and Assessor recommended a decrease in the Full Cash Value (FCV) and Limited Value (LV) from \$3,250,000.00 to \$2,405,000.00 for tax year 2011. The FCV and LV would roll over for 2012.

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

12. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of 3200 N. First Avenue Ltd. Partnership v. Pima County, Arizona Tax Court Case No. TX2010-000715, Tax Parcel No. 113-04-148A.

Chris Straub, Chief Civil Deputy County Attorney, stated the Pima County Attorney's Office and Assessor recommended a decrease in the Full Cash Value (FCV) and Limited Value (LV) from \$3,200,000.00 to \$2,200,000.00 for tax year 2011. The FCV and LV would not rollover for 2012.

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

13. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Oracle Linda Vista Investors L.L.C. v. Pima County, Arizona Tax Court Case No. TX2011-000091, Tax Parcel Nos. 224-31-010C and D.

Chris Straub, Chief Civil Deputy County Attorney, stated the Pima County Attorney's Office and Assessor recommended the following:

Tax Parcel No. 224-31-010C, a decrease in the Full Cash Value (FCV) and Limited Value (LV) from \$1,535,905.00 to \$1,097,075.00 for tax year 2012.

Tax Parcel No. 224-31-010D, a decrease in the Full Cash Value (FCV) and Limited Value (LV) from \$1,771,842.00 to \$1,090,364.00 for tax years 2011 and 2012.

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

14. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Marana 670 Holdings L.L.C. v. Pima County, Arizona Tax Court Case No. TX2010-001120, Tax Parcel Nos. 216-40-003 through 662 and 215-13-005K for a total of 571 parcels.

Chris Straub, Chief Civil Deputy County Attorney, stated the Pima County Attorney's Office and Assessor recommended a decrease in the Full Cash Value (FCV) and Limited Value (LV) from \$37,492,576.00 to \$13,410,480.00 for a combined value of all parcels for tax year 2011 as follows. The FCV and LV would not rollover for 2012.

Parcel Numbers	2011 FCV & LV
215-13-005K	\$226,080
216-40-0030 thru 11 (9 pcls)	\$17,000 each
216-40-0140	\$983,400
216-40-0150	\$426,120
216-40-0160	\$476,880
216-40-019B	\$135,240
216-40-0200	\$222,240
216-40-0210	\$1,453,800
216-40-0240	\$391,440
216-40-0250	\$827,280
216-40-0340 Thru 6620 (535 pcls.)	\$15,000 each
Partial Lots all under 216-40-	
188, 383, 388, 410, 419, 430, 431, 488, 489 (9 pcls.)	\$3,000 each
189, 384, 389, 411, 420, 429, 432, 487, 490 (9 pcls.)	\$12,000 each
216, 217, 442, 443 (4 pcls.) 443 (4 pcls.)	\$7,500 each

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

15. **CONSENT CALENDAR:** For consideration and approval

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**

A. **Community Development and Neighborhood Conservation**

1. Southern Arizona AIDS Foundation, Amendment No. 1, to provide for the Positive Directions Housing Program and amend contractual language, Federal HOPWA Grant Fund, contract amount \$22,332.00 (CT-CD-12000990)
2. New Beginnings for Women and Children, to provide for the CASA for Families II Supportive Housing Program for the term 7/1/11 to 6/30/12, SHP Grant Fund, contract amount not to exceed \$142,364.00 (CT-CD-12001222)

B. **Procurement**

3. Stat-Med, Inc., Amendment No. 2, to provide specialized durable medical equipment and amend contractual language, no cost (CT-PH-CMS142733) Pima Health System
4. KCI, USA, Inc., Amendment No. 2, to provide specialized durable medical equipment and amend contractual language, no cost (CT-PH-CMS142782) Pima Health System
5. Quest Civil Constructors, Inc., Amendment No. 1, to provide a job order contract for wastewater plant construction and rehabilitation repair services and amend contractual language, RWRD Obligation Fund, contract amount \$1,500,000.00 (MA-PO-DNC0000001) Regional Wastewater Reclamation
6. The Ashton Company, Inc., Amendment No. 1, to provide a job order contract for wastewater plant construction and

rehabilitation repair services and amend contractual language, RWRD Obligation Fund, contract amount \$1,500,000.00 (MA-PO-DNC0000001) Regional Wastewater Reclamation

C. Real Property

7. Tucson Small School Project, Amendment No. 1, to provide a lease agreement for property located at 2405 S. Cottonwood Lane, extend contract term to 10/9/26 and amend contractual language, no cost (CTN-PW-12000118) Public Works

D. Transportation

8. Union Pacific Railroad, to provide for the reconstruction and widening of the existing Valencia Road Overpass Grade Separated Road Crossing at Railroad Mile Post 992.14 – Lordsburg Subdivision, RTA Fund, contract amount \$325,000.00 (CT-TR-12001309)

2. ELECTIONS DEPARTMENT

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Laura D. Donnelly	299	REP
William L. Farmer	393	REP
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Esther D. Sharif	107	DEM
Claire S. Coon	141	DEM
Anne M. Crews	372	DEM
James M. Oien	126	REP
Patrick D. Riley	126	REP
Steve R. Gallego	161	REP
Cassandra L. Tourville	198	REP
Dustin J. York	284	REP
Rebecca S. Loporto	312	REP
James E. Jackson	313	REP
Denice A. Jackson	313	REP
Darwin K. Thornton	384	REP
Kathy M. Bodkin	411	REP
Janet Kreiling	415	REP

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

Pima County/Tucson Commission on Addiction, Prevention and Treatment

- A. Appointments of Margaret Palmer, Pastor Larry Munguia, Stephania O'Neill, Mary Jo Silcox, and Patti Caldwell. Term expirations: 9/30/13. (Commission Recommendations)
- B. Reappointments of Carl Bedford and Margaret Higgins. Term expirations: 9/30/13. (Commission Recommendations)

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

Mary J. Redden, Tucson Roller Derby, 5120 S. Julian Drive, Tucson, September 17, October 15, November 19 and December 17, 2011.

FINANCE AND RISK MANAGEMENT

5. **Duplicate Warrants – For Ratification**

Harley Kurlander	\$	11,890.00
David Theel	\$	273.00
Hunter Contracting Co.	\$	8,242.00
DVA Renal Healthcare, Inc.	\$	4,895.67
Lago Del Oro Valley Water Company	\$	45.82
Inter-Metro Industries Corporation	\$	39,275.42
Staples Advantage	\$	5,583.19
Arizona Juvenile Detention Administrator's Assoc.	\$	50.00
Jim Doyle	\$	188.50
Anne Smith	\$	350.00
Southern Arizona Neuropsychology	\$	352.32
Three Points Fire District	\$	33,096.00

6. **REAL PROPERTY**

Modification of Easements

Acceptance of the modification of certain easements dedicated to Pima County by Eastpointe Commercial Center, located within Section 11, T14S, R15E, G&SRM. No revenue. (District 4)

7. **RATIFY AND/OR APPROVE**

Minutes: August 2, 2011

REGULAR AGENDA/ADDENDUM ITEMS

16. ASSESSOR: Request for Redemption of Waiver of Exemption

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that all the applications for Redemption of the Waivers of Tax Exemptions for the year 2011 qualify for exemption under the applicable statutes and requests the Board of Supervisors redeem the waivers.

On consideration, it was moved by Supervisor Elfas, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the request for Redemption of Waivers of Tax Exemptions.

17. PROCUREMENT: Appeal of Procurement Director's Decision

Pursuant to Pima County Code Section 11.20.010(J), Johnson Scientific, appeals the decision of the Procurement Director regarding Solicitation No. 1101846 – Lab Equipment.

George Widugiris, Procurement Director, reported this solicitation was for the new Regional Wastewater Reclamation laboratory. He said specific manufacturers' model numbers were used in the specifications to identify the primary operational requirements for each item and specific language was used for the purpose of describing and/or establishing the level of quality, performance and dimensional specifications required. During a pre-bid conference, the suppliers were advised that the laboratory's management would have final determination on the equivalency of all items. The appellant did not attend that conference. Upon review, laboratory management identified 5 items which deviated enough to be questionable. Procurement offered to re-solicit the five items but the offer was not accepted by the appellant. There were 12 respondents to this solicitation and the appellants bid of \$229,839.00 was \$85,000.00 or 59% more than the recommended low bid.

Chairman Valadez, inquired if the appellant would like to address the Board. The appellant was not in attendance.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to uphold the Procurement Director's decision.

18. REGIONAL WASTEWATER RECLAMATION: Pretreatment Settlement Agreement

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

China Star Super Buffet, Case No. C2011-04. Proposed settlement amount of \$1,148.72.

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 Agreement.

19. **FRANCHISE/LICENSE/PERMIT: Liquor License**

11-24-9084, Roger Kenneth Burton, Giant No. 6631, 5000 E. 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 Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the liquor license and forward the recommendation to the Arizona State Liquor Licenses and Control.

20. **FRANCHISE/LICENSE/PERMIT: Liquor License**

11-25-9086, Scott Bradley Mencke, The Beached Ale, 5689 N. Swan Road, Tucson, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the liquor license permit subject to the Sheriff's Report and forward the recommendation to the Arizona State Liquor Licenses and Control.

21. **DEVELOPMENT SERVICES: Rezoning Closure/Time Extension**

A. Co9-97-25, WANSLEE – LA CHOLLA BOULEVARD REZONING

Proposal to close Co9-97-25, a rezoning from SR (Suburban Ranch) to TR (Transitional) of approximately 3.51 acres located on the west side of La Cholla Boulevard, approximately 1/4 mile north of Oracle Jaynes Station Road and 1/2 mile south of Orange Grove Road. The rezoning was conditionally approved in 1997 and expired on November 18, 2007. Staff recommends AGAINST CLOSURE FOR 2.58 ACRES AND APPROVAL OF CLOSURE FOR 0.93 ACRES. (District 1)

B. Request of Chasm Investments, L.L.C., represented by Lenity Group, for a six year time extension for the above-referenced rezoning from SR (Suburban Ranch) to TR (Transitional). The subject site is 3.51 acres and was rezoned in 1997. The rezoning expired on November 18, 2007. The site is located on the west side of La Cholla Boulevard, approximately 1/4 mile north of Oracle Jaynes Station Road and 1/2 mile south of Orange Grove Road. Staff recommends APPROVAL OF A SIX-YEAR TIME EXTENSION FOR 2.58 ACRES WITH ORIGINAL STANDARD AND SPECIAL CONDITIONS. (District 1)

Arlan Colton, Planning Director, reported the rezoning closure/time extension proposals were the first two parts of a four step process. The approval of these items was required in order to proceed with the process to allow for the construction of an Alzheimer's/memory care facility.

The Chairman inquired whether anyone wished to be heard. No one appeared. 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, deny the closure request for 2.58 acres, approve the closure request for 0.93 acres, and approve the request for a six-year time extension to November 18, 2013 for the 2.58 acres with original standard and special conditions.

22. **DEVELOPMENT SERVICES: Modification (Substantial Change) of Rezoning Conditions**

Co9-97-25, WANSLEE – LA CHOLLA BOULEVARD REZONING

Request of Chasm Investments, L.L.C., represented by Lenity Group, for a modification (substantial change) of the following rezoning conditions:

- No. 9 which requires adherence to the preliminary development plan as approved at public hearing for professional (medical) offices. The applicant requests to modify the plan to allow an assisted living center (Alzheimer's/memory care facility).
- No. 13 which restricts use to a medical and professional office not to exceed 10,000 square feet. The applicant requests to modify the condition to allow the use of an assisted living center (Alzheimer's/memory care facility) not to exceed 33,000 square feet.

The subject site is 3.51 acres zoned TR (Transitional) and is located on the west side of La Cholla Boulevard, approximately 1/4 mile north of Oracle Jaynes Station Road and 1/2 mile south of Orange Grove Road. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL WITH MODIFIED CONDITIONS. Staff recommends APPROVAL WITH MODIFIED CONDITIONS. (District 1)

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 ~~Department of Transportation, Real Property Division~~ Development Services Department, Document Services.
6. Transportation conditions:
 - A. All buildings shall be setback a minimum of 130 feet from the centerline of the La Cholla Boulevard right-of-way.
 - B. Design and provide internal shared access to the south of the rezoning site.

- Maintenance and access agreements shall be provided to staff for review prior to approval of the Development Plan.
- C. The property owner shall provide offsite improvements determined necessary by the Department of Transportation.
7. Flood Control conditions:
- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
- B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to the Flood Control District.
- C. Redesign and possible relocation of the proposed detention system shown on the Preliminary Development Plan shall be required to mitigate site impacts. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.
- D. ~~A fair share contribution for the regional drainage improvements currently under design, including but not limited to those for Trisha Lane, shall be determined during review of the Development Plan.~~
8. Wastewater Management Reclamation conditions:
- A. ~~The owner(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed development is available, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, and time all development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. Should treatment and/or conveyance capacity not be available at the proposed time of development, the owner(s)/ developer(s) shall have the option of funding, designing and constructing the necessary improvements to Pima County=s public sewerage system cooperatively with others and the Pima County Wastewater Management Department.~~
- B. ~~The owner(s)/developer(s) 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 Wastewater Management Department in the required capacity response letter and as specified by the Wastewater Management Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~
- C. ~~The owner(s)/developer(s) shall complete the construction of all public and/or private sewerage facilities necessary to serve the rezoning area, obtain all necessary discharge authorizations (approvals of construction) from the Arizona or Pima County Department of Environmental Quality, and convey those sewerage facilities that will be publicly maintained to Pima County, before treatment and conveyance capacity will be permanently committed in Pima County=s public sewer system for new development within the rezoning area.~~
- A. The owner / developer shall not construe any 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 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.

- C. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. 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 Regional Wastewater Reclamation Department 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.
 - E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - F. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 9. Adherence to the 2011 revised preliminary development plan as approved at public hearing.
 - 10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. 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 plat 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 shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
 - 11. Building heights are limited to 24 feet and two stories.
 - ~~12. The owner(s)/developer(s) shall adhere to Chapter 18.72 of the Pima County Zoning Code.~~
 - ~~13. Use are restricted to medical and professional office uses not to exceed 10,000 square feet.~~
 - ~~14~~12. The landscape buffer along La Cholla Boulevard shall be installed within 90 days of any on-site grading activity.
 - ~~13.~~ 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.
 - ~~14.~~ 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)."
 - ~~15. Department of Environmental Quality:
The owner(s)/developer(s) shall be required to obtain air quality permits before constructing, operating or engaging in an activity which may cause or contribute to air pollution.~~
 - ~~15.~~ Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.

Arlan Colton, Planning Director, explained that the modification of the rezoning conditions would allow for the proposed Alzheimer's care center on the subject property.

The Chairman inquired whether anyone wished to be heard. No one appeared. 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 request for modification of rezoning conditions with modified conditions.

23. **DEVELOPMENT SERVICES: Rezoning**

Co9-11-07, WEINBERG 50%, ET AL. – LA CHOLLA BOULEVARD REZONING

Request of Mark and Linda Weinberg 50% and David Huebner 50%, represented by Mark Weinberg, for a rezoning of approximately 0.93 acre from SR (Suburban Ranch) to TR (Transitional), on property located approximately 230 feet west of La Cholla Boulevard and approximately 200 feet north of Oracle Jaynes Station Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

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. Transportation conditions:
 - A. All buildings shall be setback a minimum of 130 feet from the centerline of the La Cholla Boulevard right-of-way.
 - B. Design and provide internal shared access to the south of the rezoning site. Maintenance and access agreements shall be provided to staff for review prior to approval of the Development Plan.
 - C. The property owner shall provide offsite improvements determined necessary by the Department of Transportation.
7. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to the Flood Control District.
 - C. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.
8. Wastewater Reclamation conditions:
 - A. The owner / developer shall not construe any 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 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.
 - C. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. 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 Regional Wastewater Reclamation Department 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.
 - E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - F. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
9. Adherence to the preliminary development plan as approved at public hearing.
 10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. 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 plat 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 shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
 11. Building heights are limited to 24 feet and two stories.
 12. 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.
 13. 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)."
 14. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.

Arlan Colton, Planning Director, reported this rezoning would allow the proposed Alzheimer's care center to extend onto the property to the west. He said the Planning and Zoning Commission had added a condition regarding water harvesting and noted there had been one person at the Planning and Zoning Commission meeting who had expressed concern about flooding issues in the neighborhood.

The Chairman inquired whether anyone wished to be heard. No one appeared. 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 with standard and special conditions.

24. DEVELOPMENT SERVICES: Lot Split

Co9-95-28, FEHSER/CARLSON – AJO HIGHWAY REZONING

Request of John Fehser and Zeke Carlson, L.L.C., represented by John R. Heim, for a lot split. The applicant requests to split an approximately 2.68 acre parcel into two parcels of approximately 1.53 and 1.15 acres. Rezoning Condition No. 5 requires that there be no further subdividing or splitting without the written approval of the Board of Supervisors. The subject parcel is zoned CB-1 and CB-2 and is located on the north side of Ajo Highway, immediately west of Comanche Road. Staff recommends APPROVAL WITH CONDITIONS.
(District 3)

Staff recommends APPROVAL of the lot split, subject to the following conditions:

1. The property owner(s)/developer(s) shall record a joint use/maintenance agreement for the two lots for drainage facilities, parking areas and access lanes, bufferyards, and landscaping.
2. A Floodplain Use Permit is required for all development.
3. The total daily design flow for any on-site wastewater treatment facility or more than one on-site wastewater treatment facility on a property or on adjacent properties under common ownership shall not exceed 2,999 gallons per day or it must be shown that discharge of total nitrogen to ground water is controlled pursuant to Arizona Administrative Code, Title 18, Chapter 9 (R18-9-E323 4.23). This demonstration shall be made prior to approval of the Development Plan.

Chris Poirier, Assistant Planning Director, presented a staff report that stated if approved this lot split would allow the development of a proposed Dollar General store.

The Chairman inquired whether anyone wished to be heard. No one appeared. 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 approve the lot split with conditions.

25. **DEVELOPMENT SERVICES: Zoning Code Text Amendment**

Co8-10-08, ADULT CARE HOME SERVICE

An ordinance of the Pima County Board of Supervisors relating to zoning; amending the Pima County Zoning Code, Title 18 by amending Chapters 18.03 (General Definitions) to add a definition for adult care home service, and 18.09 (General Residential and Rural Zoning Provisions) to increase the number of employees allowed for child care home service and to apply development standards for child care home service to adult care home service. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Cook was not present for the vote) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2011-59,

Chris Poirier, Assistant Planning Director, stated this text amendment would allow for adult care as a home occupation in a similar manner as the current child care regulations.

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 adopt Ordinance No. 2011-59.

26. **DEVELOPMENT SERVICES: Zoning Code Text Amendment**

Co8-11-04, ADAPTIVE REUSE

An ordinance of the Pima County Board of Supervisors relating to zoning; amending the Pima County Zoning Code, Title 18 by amending Section 18.03.020 (Definitions) to add a definition for adaptive reuse, and amending Chapter 18.09 (General Residential and Rural Zoning Provisions) to allow adaptive reuse as a Type I Conditional Use in residential and rural zones and to add development standards, conditions and procedures for adaptive reuse. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Cox-Golder and Neeley were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2011-60,

Arlan Colton, Planning Director, stated this text amendment originated at the request of the Planning and Zoning Commission. The proposed ordinance would be an economic development tool for small businesses as it allows for a property along major streets to be adaptively reused for office use while keeping the

residential character of the property. This amendment would allow a Type I Conditional Use on a minimum 36,000 square foot lot and would also reduce the processing, review times and fees. He said they had received one letter of support from the Pima County Small Business Commission.

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 adopt Ordinance No. 2011-60.

27. TRANSPORTATION: Traffic Ordinances

- A. ORDINANCE NO. 2011-61, of the Board of Supervisors, regulating the parking of vehicles on Snyder Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- B. ORDINANCE NO. 2011-62, of the Board of Supervisors, regulating the parking of vehicles on Calle Del Pantera in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- C. ORDINANCE NO. 2011-63, of the Board of Supervisors, regulating the parking of vehicles on Eunice Street in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- D. ORDINANCE NO. 2011-64, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Twin Lakes Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- E. ORDINANCE NO. 2011-65, of the Board of Supervisors, regulating the parking of vehicles on Massingale Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- F. ORDINANCE NO. 2011-66, of the Board of Supervisors, regulating the parking of vehicles on Swan Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- G. ORDINANCE NO. 2011-67, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Valencia Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 2, 3, 4 and 5)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2011-61, 62, 63, 64, 65, 66 and 67.

28. TRANSPORTATION: Traffic Resolution

RESOLUTION 2011-150, of the Pima County Board of Supervisors, permitting the temporary closure of street segments on Ajo Well No. 1 Road, Fundicion

Street, La Mina Avenue, Lomita Avenue and Plaza Street in Ajo, Arizona, for a parade on September 21, 2011. Staff recommends APPROVAL. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2011- 150.

29. **COUNTY ADMINISTRATOR: Ballot Scanning Pilot Study**

Staff requests direction to prepare correspondence to the Secretary of State as a preliminary expression of Pima County's interest in participating in the Ballot Scanning Pilot Study. The Board reserves the right to review the final RFP and implementation process prior to approving Pima County's participation in the study.

Chuck Huckelberry, County Administrator, stated the Election Integrity Commission had been studying the issue of ballot scanning which would provide the ability to have the information readily available. He said the Commission requested a letter be sent to the Secretary of State which encouraged a pilot study of ballot scanning.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Day not present for the vote, to direct staff to prepare the correspondence.

30. **COUNTY ADMINISTRATOR: Borderlands Theater**

Staff recommends approval of an allocation from the Board Contingency Fund in the amount of \$10,000.00 for Borderlands Theater programs.

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

31. **DEVELOPMENT SERVICES: Final Plats with Assurances**

A. P1211-001, Las Campanas Block C, Phase 1, Lots 1-22 and Common Area "A" (Drainage Channel/Open Space), Common Area "B" (Landscape Area) and Common Area "C" (Common Driveway). (District 4)

B. P1206-149, Canoa Preserve, Lots 1-80, Tract F, Tract G, Common Area "A" Natural Open Space (NOS)/Floodplain, Common Area "B" Functional Open Space (FOS), "C" (Monument), Common Area, Common Area "E" (Roadway Disturbance) and Common Area "F" (Riparian Mitigation). (District 4)

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

32. **ECONOMIC DEVELOPMENT AND TOURISM: Arizona-Sonora Desert Museum**

Pursuant to the Lease Agreement, the Arizona-Sonora Desert Museum requests approval of the modifications and alterations to the Aquatic Exhibits Room for the Gulf of California Gallery Project.

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

33. **CONTRACT: Community Development and Neighborhood Conservation**

Primavera Foundation, Inc., to provide for the CASA for Families II Supportive Housing Program for the term 7/1/11 to 6/30/12, SHP Grant Fund, contract amount not to exceed \$90,192.00 (CT-CD-12001264)

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

34. **BOARDS, COMMISSIONS AND/OR COMMITTEES: Canoa Ranch Community Trust/Oversight Committee**

Appointment of Dinah Bear, Alternate to Nan Walden. No term expiration. (District 4)

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

35. **BOARDS, COMMISSIONS AND/OR COMMITTEES: Parks and Recreation Commission**

Reappointment of Anita Kellman. Term expiration: 6/30/17. (District 4)

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

36. **FRANCHISE/LICENSE/PERMIT: Fireworks Permit**

Joel Bacalia, Catalina Foothills High School, 4300 E. Sunrise Drive, Tucson, September 30, 2011 at approximately 7:00 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit.

37. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Nancy Freeman presented the Board with a painting of an oak tree and expressed her concern regarding the trees that would be destroyed by the proposed Rosemont Mine.

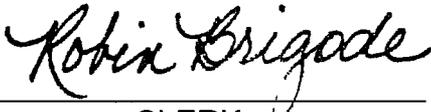
38. **ADJOURNMENT**

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



CHAIRMAN

ATTEST:



CLERK