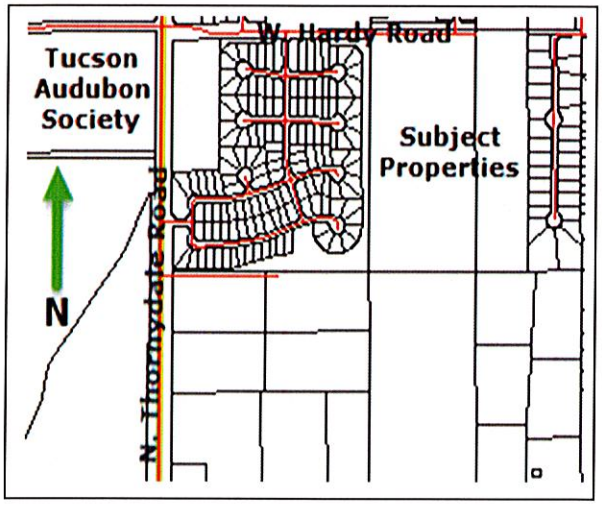
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION



HEARING November 25, 2015

DISTRICT 1

CASE P15RZ00003 Hardy-Thornydale 1 Associates, Et Al. – W. Hardy Road Rezoning

REQUEST Rezone from SR (Suburban Ranch) to CR-5 (Multiple Residence) (30.0 acres) Zone

OWNER Hardy Thornydale 1 Assoc, Et Al.
Attn: Pacific International
8710 N. Thornydale Rd., Ste 120
Tucson, AZ 85742

APPLICANT Projects International, Inc.
Attn: Jim Portner, Principal
10836 E. Armada Lane
Tucson, AZ 85749

APPLICANT'S PROPOSED USE
The two parcel, 30.0-acre site will be developed as a 84-lot, single-family residential subdivision.

APPLICANT'S STATED REASON
"The proposed rezoning is an infill development that fits well within its surrounding, urbanizing context and will make efficient use of the existing network of public and utility infrastructure that exists."

STAFF REPORT SUMMARY
The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CR-5 (Multiple Residence) zone on approximately 30.0 acres for a 84-lot residential subdivision with 9.2 acres of on-site natural open space and approximately 66 acres of off-site natural open space to meet the rezoning policies of the comprehensive plan amendment and the Maeveen Marie Behan Conservation Lands System. The site is an infill project and consistent with the density of the nearby and surrounding neighborhoods.

COMPREHENSIVE PLAN
A plan amendment from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) for approximately 30.0 acres was approved for by the Board of Supervisor's in 2014 by case Co7-13-06. Rezoning Policy 137 was established within the approved plan amendment and is listed below:

A. Post development floodplains and riparian habitat shall be preserved in open space and be identified on the rezoning preliminary development plan and subdivision plat or development plan. This open space shall be protected by covenant and management responsibility identified on the subdivision plat or development plan.

B. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:

- natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
- the site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site set-asides;
- off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
- off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
- the approximate minimum total natural open space (NOS) set-aside is 75 acres, the approximate minimum on-site NOS set-aside is 10 acres, and the approximate minimum off-site NOS set-aside is 65 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

The Comprehensive Plan Update, Pima Prospers, did not change the planned land use designations of the site but both the former MIU designation and the existing MIU under Pima Prospers differ slightly. This rezoning application was received prior to the approval of Pima Prospers, therefore, the approved comprehensive plan land use designation by case Co7-13-06 applies. The rezoning application is in conformance with the approved comprehensive planned land use plan. For comparison, the following table demonstrates the resultant changes of the comprehensive plan update.

Pima Prospers Changes to the Map Legend (Land Use Designations)

Designation	Proposed Change	Reason for Change	Existing Density Range	Proposed Density Range	Zone Change
MIU Medium Intensity Urban	Retain designation; add minimum & extend maximum density; delete list of zones for which rezoning requests have to comply.	Non-residential transitional uses are now more appropriate bundled with higher-density residential development above new 5 RAC minimum.	0-10 RAC For TDRs – 3-5 RAC	5-13 RAC For TDRs – 5-10 RAC	Delete GC, CR-1 thru 5, SH, CMH-1, CMH-2, MR, TR

The objective of the MIU land use designation is to provide a variety of residential type developments with attention to site design to assure compatibility with adjacent lower density residential uses. The proposed density within the MIU land use designation is 2.8 residences per acre which conforms to the land use designation MIU that allows a maximum of 10 residences per acre and is compatible with the surrounding densities.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR, CR-4	Municipal Water Site, Developed Residential
South:	SR	Legacy Charter School
East:	CR-4	Developed Residential Subdivision
West:	CR-5	Developed Residential Subdivision

Located to the south of the subject site is an elementary through junior high charter school, to the southwest is a commercial cactus nursery. Professional offices exist at the southwest corner of W. Hardy Road and N. Thornydale Road. The nearest services are approximately one-half of a mile south and west of the subject site at the southeast corner of W. Cortaro Farms Road and N. Thornydale Road providing banking, retail, grocery and shopping. Approximately 1300 feet west of the subject property, recreational opportunities exist within the Arthur Pack Regional Park on the northwest corner of W. Hardy Road and N. Thornydale Road. The park contains a golf course, ball fields, batting cages, basketball courts, playground, soccer fields, and hiking trails within the Maeveen Behan Desert Sanctuary Trails. The Tucson Audobon Society offers bird watching and other educational programs on the southwest corner of W. Hardy Road and N. Thornydale Road.

PREVIOUS REZONING CASES ON PROPERTY

A rezoning (Co9-80-043) request in 1980 for CR-5 zoning was closed because no action had been taken by the property owners. The rezoning request did not include the easternmost 10 acre parcel of land (Parcel ID 225-29-009F).

A second rezoning (Co9-96-019) was requested in 1996 for CR-4 (Mixed-Dwelling Type) zoning for the 30-acre site. The rezoning case was heard by the Planning and Zoning Commission July 31, 1996 in which the commission recommended approval with a 5-1 vote. The Board of Supervisors public hearing was held on September 17, 1996. The applicant requested a continuance to the December meeting to work out the details of the proposed Hardy Road access with the neighbors. The Board of Supervisors held the public meeting and denied the request 5-0.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Rezoning case Co9-15-02 - Briar Rose Lane for SR (Suburban Ranch) to CR-4 was approved by the Board of Supervisors October 15, 2015 which is located approximately one mile north of the subject property.

Past activity:

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original SR. An attached map shows properties (in blue) within approximately one-half mile of the site for which rezoning requests have been made from 1961 to 2006. Most rezonings were approved. Some were withdrawn or denied.

Areas adjacent to and near the site were rezoned in the 1980's and early 1990's to CR-4, and CR-5 with resultant single-family subdivision lot development. There has also been a number of lower density CR-1 (Single Residence) and CR-2 (Single Residence) rezonings in the general area.

Rezonings resulting in commercial uses and offices in the CB-1 (Local Business) zone have also occurred in the area to include a shopping center at the southeast corner of Cortaro Farms Road and Thornydale Road and retail and other commercial buildings at the northeast corner of Thornydale Road and Overton Road.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)

The subject property is located within the Maeveen Marie Behan Conservation Land System (MMBCLS) classified as Multiple Use Management Area and Special Species Management Area. The policies of the comprehensive plan amendment address the MMBCLS conservation guidelines and allow both on-site and off-site natural open space set asides to meet the policies. The natural open space provided within this project totals 9.2 acres or 31% of the site. The proposed off-site mitigation of dedicated natural open space will make up the remaining difference and be calculated during the subdivision platting process when the off-site set aside location has been formally negotiated and approved.

PLANNING REPORT

Staff supports the request because the proposed residential development is compatible with the surrounding existing residential, public recreational opportunities, public school, and commercial uses. Concurrency of infrastructure exists to serve the use. The subject property is an infill property that will contain a similar density as the surrounding area.

The property is relatively flat, is mostly undisturbed and is traversed by several washes. The limitations of the site arise from the MMBCLS designations and riparian areas around the washes. The vegetative qualities of the property contain dense populations of saguaros and ironwood trees. Fourty percent of the ironwood trees and thirty-three percent of saguaros will be preserved in place in the on-site natural open space. Much of the salvaged vegetation from on-site will be incorporated into the proposed bufferyards and streetscapes within the subdivision. A native plant preservation plan will be submitted with the subdivision plat. A 100-foot natural bufferyard is proposed to the east and west boundaries of the property. A minimum 10-foot bufferyard "A" is proposed along Hardy Road and a bufferyard "C" along the southern boundary. The proposed 84-lot subdivision will be accessed by two driveways onto Hardy Road and includes both two-story and one-story dwelling units with a maximum height of 34 feet.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
Department/Agency	*Concurrency Considerations Met: Yes / No / NA*	*Other Comments*
TRANSPORTATION	Yes	No objection. Minor Concurrency Concern with Thornydale Road.
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Metro Water "will serve" letter in site analysis.
SCHOOLS	Yes	Capacity response letter from Marana USD in site analysis.
AIR QUALITY	Yes	None

TRANSPORTATION REPORT

There is a secondary transportation concurrency concern for this case due to the over capacity nature of Thornydale Road. The subject property is located on the south side of Hardy Road, approximately ½ mile east of Thornydale Road. The rezoning is proposing 84 single-family homes which could generate approximately 840 ADT. Two access points on Hardy Road are proposed.

Hardy is a paved, county maintained public roadway which dead-ends approximately 250 feet west of this site. A 45-foot right-of-way was deeded to the county through the development of the Saguaro Vista subdivision. There is an additional 45-foot easement for Hardy Road along the frontage of the rezoning site. Along the eastern 330 feet of frontage, no dedications have been made. As a condition of the rezoning, the entire 45-foot half right-of-way for Hardy Road will need to be dedicated. There are no traffic counts for this segment of Hardy Road.

Thornydale has an existing right-of-way of approximately 100 feet. Thornydale Road is a three-lane roadway with a continuous center left turn lane. There are no curbs, sidewalks, or bike lanes. The posted speed is 35 mph, with a capacity estimated at 13,200 ADT. Thornydale is scheduled to be widened, at which time the capacity will be approximately 34,000 ADT. The most recent traffic count is 19,959 ADT Cortaro Farms Road and Overton Road.

Major roadway projects in the vicinity of this project include the widening of Thornydale Road north of Cortaro Farms Road to Linda Vista. This project was approved through the RTA bond, and will fully reconstruct the road into a four-lane divided urban cross section with curbs, sidewalks, landscaped medians, and bike lanes in both directions. Construction is tentatively scheduled to start in 2018.

The Department of Transportation has no objection to this request subject to the addition of rezoning conditions #3A-B.

FLOOD CONTROL REPORT

Regional Flood Control District has reviewed this request and has the following comments:

1. The entire site is within a locally mapped sheet flood area with depths of 6" and is also impacted by three regulatory floodplains as shown on the existing hydrology exhibit. Only one of these is to be preserved in a relatively natural condition however the PDP indicates that it too is to be encroached upon using bank protection to reduce its width. The grading plan and PDP depict significant floodplain encroachments including bank protected mass grading. Furthermore channel re-alignment is proposed. The applicant proposes to redirect the 139 cfs at CP-11 to the off-site lined channel upstream of the current discharge point. Post development floodplains and Pima County Regulated Riparian Habitat including mitigation areas will be included in the Pima Prospers Regional Hydrology Maps.
2. A Preliminary Integrated Water Management Plan (PIWMP) has been included. In addition to meeting the Site Analysis Requirements, and in order to address the Pima Prospers Water Element, the applicant included Metropolitan Water's "Annual Water Level Monitoring Report" dated March 9, 2015. This report provided well location and more detailed groundwater trends information. This information facilitates the following staff review for compliance with the Water Policy.
3. As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:
   a. The site is within the Metropolitan Water District service area. They *do not utilize a renewable source.*
   b. Per the ADWR Well Inventory, those wells within 1 mile had depths to groundwater between 160' and 375'. Per "Mason, Dale, 2014, Technical memo to the Tucson Groundwater Users Advisory Committee, Modeling results of the 2010 Supply and Demand Assessment model projection, Arizona Department of Water Resources", between the years 2010 and 2025 groundwater depth at the site is predicted to change between minus 20 to plus 10 and be 351 to 500 feet below the surface by 2025.
   c. The site is within a mapped subsidence zone. Between 1987 and 2005, 0 - 1 inch of subsidence was detected.
   d. The nearest Groundwater-Dependent Ecosystem to the site is the perennial section of the Santa Cruz River, 2.72 miles away.
   e. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1600-3200 feet.

Pima County's Water Resources Impact Assessment finds that the proposed **project will not have access to renewable water**. Project demand is estimated to be 41.73 acre-feet per year. While no demonstration that hydrogeologic connectivity does not exist to the Santa Cruz River Shallow Groundwater Area has been submitted as required by the Site Analysis Requirements, based upon the distance to shallow groundwater areas, the additional water use **is not likely to have significant adverse impacts on groundwater dependent ecosystems**. Per Resolution 2008-72, the District does not recommend denial despite the missing items. Per Pima Prospers Water Resources Element Goal 3 Policy 9c & 9d, additional offsets would be required to reduce the increased water use to that of existing zoning. This method has not yet been implemented and use of conservation measures committed to and identified on Table B accomplishes this offset under the Site Analysis Requirements.

In conclusion, the District finds that the project meets concurrency requirements and has no objection subject to the recommended conditions #4A-D.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced rezoning request and has no objection to the request subject to the addition of rezoning conditions #5A-E.

ENVIRONMENTAL PLANNING REPORT

Site Conservation Values and Landscape Context

- The entire 29.8-acre site lies within the CLS; designations are Multiple Use Management Area with Special Species Management Area overlay.
- The subject site does not lie within the Priority Conservation Areas for the western burrowing owl, needle-spined pineapple cactus, or Pima pineapple cactus. It does lie within the Priority Conservation Area for the cactus ferruginous pygmy-owl.
- On-site resource conditions: A riparian area crosses the site and is regulated by RFCD as Class C Xeroriparian. Saguaros (322) and ironwood trees (302) occur on the site in significant numbers.
- The site is not within nor is it adjacent to any Pima County Preserve properties. The County owns and manages two properties in this area for conservation – Arthur Pack Regional Park and an approx. 20-acre PCDOT mitigation property. The subject site lies approx. 1.5 miles northeast of the PCDOT mitigation property and approx. 1350' east of Arthur Pack Regional Park; it is also approx. 1350' east of the Tucson Audubon Society's Mason Center.
- The site is identified for acquisition under both the 2004 Open Space Conservation Bond Program and the proposed 2015 Open Space Conservation Bond Program.
- Landscape context: Land uses in the vicinity of the subject property are predominantly residential with some business uses along Thornydale. Save for the northwest corner, the intersection at Thornydale and Cortaro is devoted to commercial uses. Other land uses in the area are a mixture of high intensity residential uses, low intensity residential uses that are more compatible with retaining native biological resources, and properties preserved as open space. Residential uses south of Cortaro Farms are more intense in nature with most areas built out at CR-4 and CR-3. Resources of the subject property are not physically connected to open space properties in the area. In this regard, the subject property makes only a limited contribution to landscape permeability for biological resources.

Potential Impact to Biological Resources and CLS

According to the PDP, approximately 9.2 acres will be retained as natural open space and includes nearly all of the riparian area, 33% of the saguaros (including 13 of the 28 saguaros over 18' tall) and 40% of the ironwood trees. Impacts to these on-site resources will occur at later stages in the development process. Namely, the riparian area will likely be addressed by the *Watercourse and Riparian Habitat Protection and Mitigation Requirements (Title 16; Ch. 16.30)*; impacts to native vegetation and specifically saguaros and ironwood trees will be addressed when the proposed development is subject to the applicability of the *Native Plan Preservation Ordinance (Title 18; Ch. 18.72)*.

In keeping with Rezoning Policies established for this proposed project, a total of 75 acres of natural open space will be provided in a combination of on- and off-site areas. The PDP proposes on-site natural open space of approx. 9.2 acres; the balance is to be provided off-site.

In summation, given the site's on-site resources, landscape context, and the on-site set-aside of natural open space in conjunction with the following recommended Special Conditions, this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.

Recommendations
Should the Board of Supervisors approve this rezoning request, staff recommends the addition of conditions #6A-B.

CULTURAL RESOURCES REPORT
Cultural Resources has no objection to this request subject to the addition of condition #7.

NATURAL RESOURCES, PARKS AND RECREATION REPORT
Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT
FWS concerns remain the same as submitted earlier under the proposed Comp Plan Amendment. We strongly urge compliance with the Special Species Management Area guidelines as outlined in the Comp Plan Amendment, Section 2 B.

The species potentially impacted is the lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*), an endangered species listed under the Endangered Species Act, and the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), a species formerly listed under the Endangered Species Act and a species proposed for coverage under Pima County's Multi-Species Conservation Plan (MSCP). The proposed amendment occurs in an area where lesser long-nosed bats have been documented foraging and moving between roosts and foraging areas. It is our recommendation that, if there the saguaros occurring within the parcel, be preserved in place or salvaged and replanted within the parcels or within conservation lands in this general area. By so doing, there should be no net loss of lesser long-nosed bat forage resources.

With regard to the pygmy-owl, this parcel occurs in an area where various design elements have been incorporated into existing roadways and developments to reduce impacts to and facilitate movement by pygmy-owls. This parcel has significant ironwood and saguaro resources that not only have value to the pygmy-owl, but is also a sensitive and valuable vegetation community. Without on-site or off-site natural open space set asides as required by the CLS guidelines, the proposed rezoning has the potential to render these actions ineffective. The pygmy-owl is a proposed covered species under Pima County's MSCP and this area is a special species management area for the pygmy-owl under the existing Comprehensive Plan. We strongly recommend that the guidelines outlined within the CLS and Comprehensive Plan be applied to this parcel if this rezoning application approved, with no more than 20% of the parcel developed and the remaining 80% configured as natural open space in a way that maintains habitat connectivity as anticipated through existing development and transportation facilities. We recommend that this parcel complies with the CLS guidelines for the special species management designation through either on-site or off-site natural open space set asides. Given the proposed configuration of potential development on this site, it appears that off-site natural open space set asides will need to be included.

METRO WATER DISTRICT REPORT
Metro Water District has no comment. A will-serve letter is contained within the site analysis.

SCHOOL DISTRICT REPORT
The Marana Unified School District has no comment. A letter of capacity to accommodate future students is contained with the site analysis.

FIRE DISTRICT REPORT
Northwest Fire District has no objection to this request.

PUBLIC COMMENT
As of the writing of this staff report, no public comment has been received.

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

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

1. The owner shall:
   A. Submit a development plan if determined necessary by the appropriate County agencies.
   B. Record the necessary development related covenants as determined appropriate by the various County agencies.
   C. Provide development related assurances as required by the appropriate agencies.
   D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.

2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

3. Transportation conditions:
   A. The property owner/developer shall dedicate 45 feet of right-of-way for Hardy Road.
   B. The property is limited to 2 access points as depicted on the preliminary development plan.

4. Regional Flood Control District conditions:
   A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
   B. Modifications to the Public Drainageway in Sunnyvale Subdivision required to convey flows from this project into the drainageway shall be completed at no cost to Pima County.
   C. 100-Year Floodplain and Pima County Regulated Riparian Habitat including mitigation area shall be contained in permanently identified natural open space through easement or dedication and shall be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat. The disturbance of riparian habitat shall be nominally avoided, however, boundary modifications are permitted.
   D. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management Plan shall be submitted to the District for review and approval at the time of development. *The FIWMP shall include a demonstration that no hydrologic connectivity exists between the wells serving the*

project and shallow groundwater areas per the Site Analysis Requirements OR additional conservation measures shall be identified to offset the increased use per Pima Prospers Policy.

5. Regional Wastewater Reclamation conditions:
   A. The owner 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 to that effect.
   B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (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, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing 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 PCRWRD.
   C. The owner 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 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 PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
   E. The owner shall complete the construction of all necessary public and/or private 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.

6. Environmental Planning conditions:
   A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 75 acres as Natural Open Space (NOS). No less than 9 acres of NOS will be provided on-site; the difference between the total 75 acres of NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:
      1) The site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site NOS;
      2) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
      3) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
   B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment,

physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control

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

7. Cultural Resources condition: 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.

8. Adherence to the preliminary development plan as approved at public hearing.

9. 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.

10. 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)."

Respectfully Submitted,

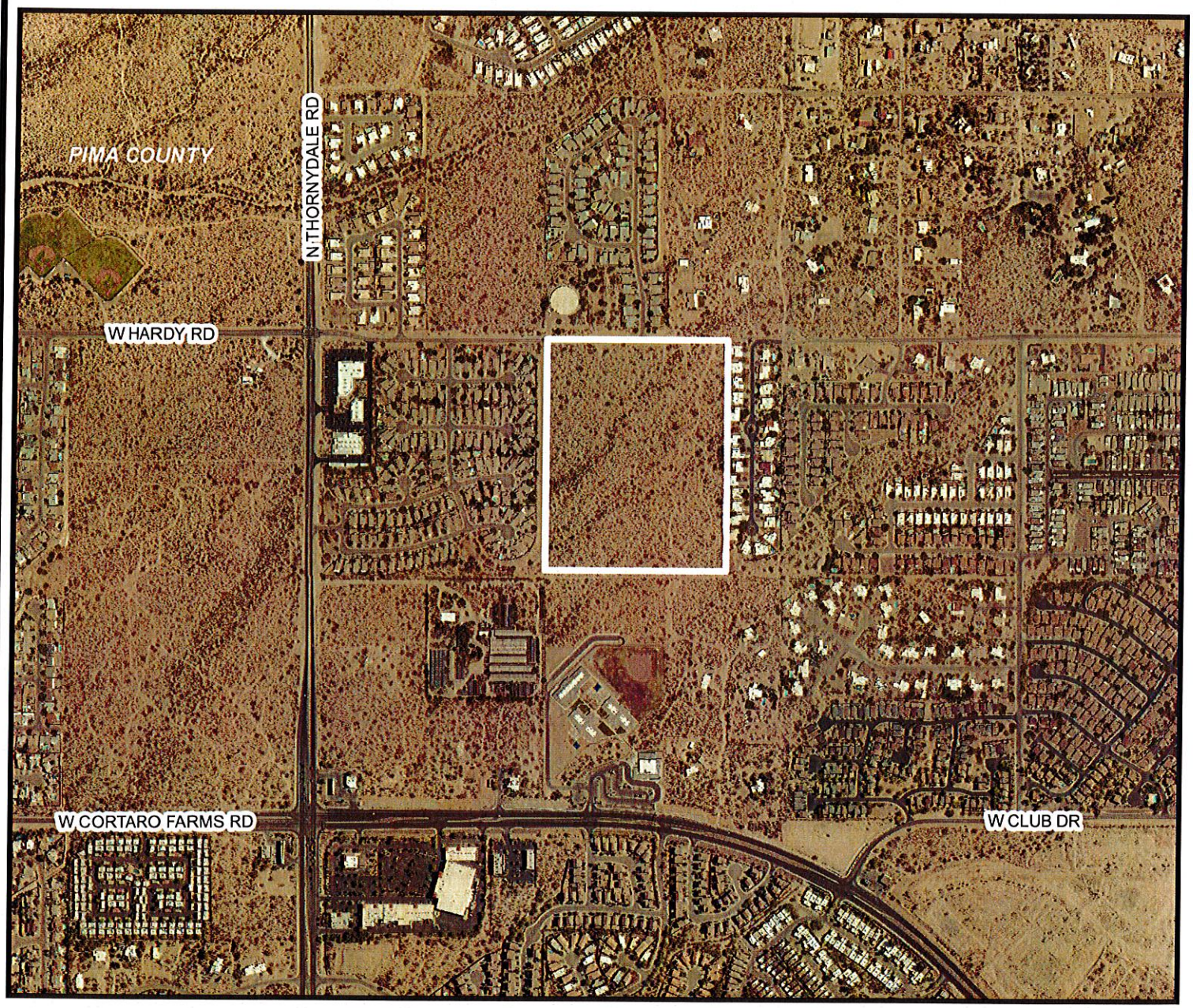
Terrill Tillman
Senior Planner

c: Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane Tucson, AZ 85749
Daniel K. Lueng, Inc., Attn: Pacific International, 8710 N. Thornydale Rd., Ste 120, Tucson, AZ 85742
Fidelity National Title TR 10760, Attn: Red Point Development Inc., 8710 N. Thornydale Rd., Ste 120, Tucson, AZ 85742

Case #: P15RZ00003

Case Name: HARDY-THORNYDALE 1 ASSOCIATES, ET AL - N. HARDY ROAD REZONING

Tax Code(s): 225-29-009D & 229-29-009F



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Proposed rezoning from SR to CR-5

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: Ref: CO7-13-06

PIMA COUNTY COMPREHENSIVE PLAN CO7-00-20

Base Map(s): 114, 161	Map Scale: 1:10,000	Map Date: 10/30/2015

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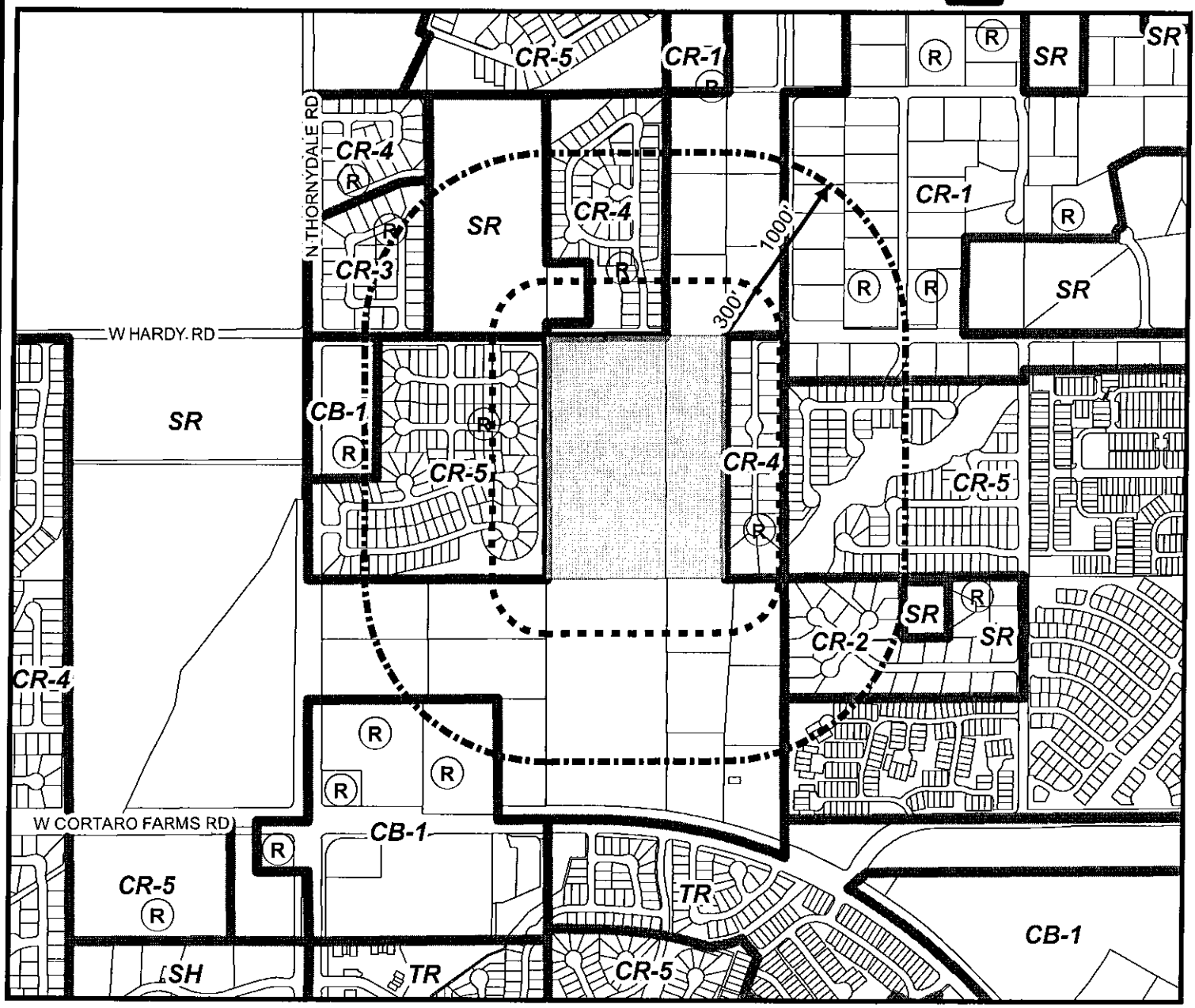
Case #: P15RZ00003
Case Name: HARDY-THORNYDALE 1 ASSOCIATES, ET AL - N. HARDY ROAD REZONING

Tax Code(s): 225-29-009D & 229-29-009F

1000' Notification Area
300' Notification Area
Zoning Boundary



0 360 720 1,440 Feet

Area of proposed rezoning from SR to CR-5

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

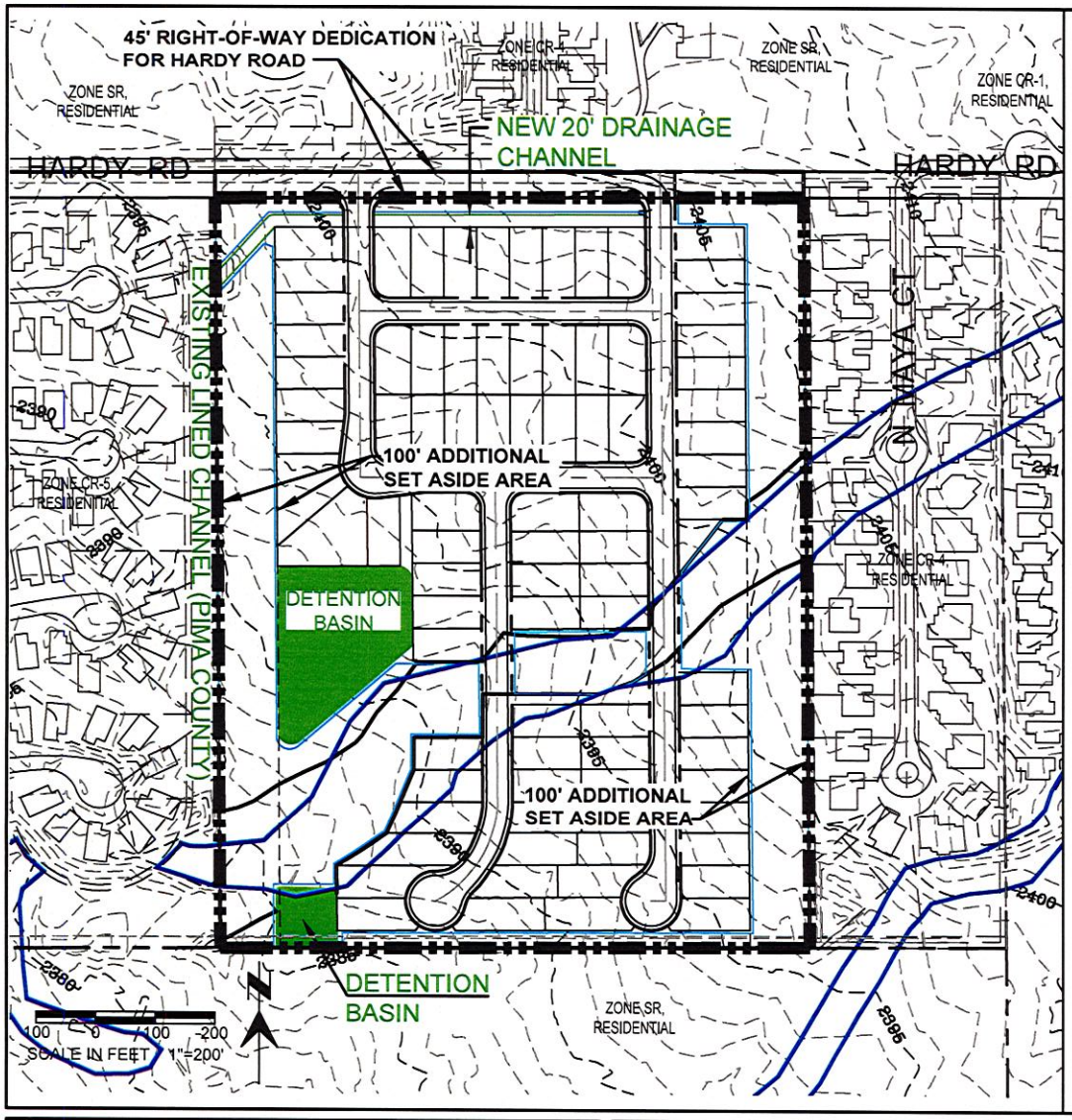
Notes: Ref: CO7-13-06

PIMA COUNTY COMPREHENSIVE PLAN CO7-00-20

Planning & Zoning Hearing: 11/25/15 (scheduled)

Base Map(s): 114, 161 | Map Scale: 1:10,000 | Map Date: 10/30/2015

N W E S



LEGEND

- PDP Boundary
- 2405 — Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- Approximate 100-Year Post-Development Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat – Xeroriparian "C"

PROJECT AREA

Gross Area:	29.8 AC (Approximate)
Net Area (Post R.O.W. Dedication):	28.8 AC (Approximate)

PROJECT PARTICULARS

Existing Zoning:	SR
Proposed Zoning:	CR-5
Comprehensive Plan:	MIU

PROPOSED USE(S)

Single-Family Residential Subdivision (84 Lots)

Typical Lot Size: 55'x115' (6,325 SF)

BUILDING HEIGHT

Maximum 34' Permitted; Project will contain both 1-Story and 2-Story Residences.

ON-SITE STREETS

Proposed Right-of-Way Width:	50'
Travel Lanes:	Two (2) 12' Lanes
Total Pavement Width:	36'
On-Street Parking:	Allowed Both Sides
Sidewalks:	5' Sidewalks Both Sides

PARKING

Parking will be in accordance with Section 18.75

BUFFER YARDS

Bufferyard "A" required along Hardy frontage. Bufferyard "C" required along east and south boundaries.

CONSERVATION LANDS SYSTEM (CLS)

Natural Open Space per this PDP: 9.2 AC

Jim Portner, Agent for Owner
PROJECTS INTERNATIONAL, INC.
10836 E. ARMADA LANE
TUCSON, ARIZONA 85749
520 850-0917

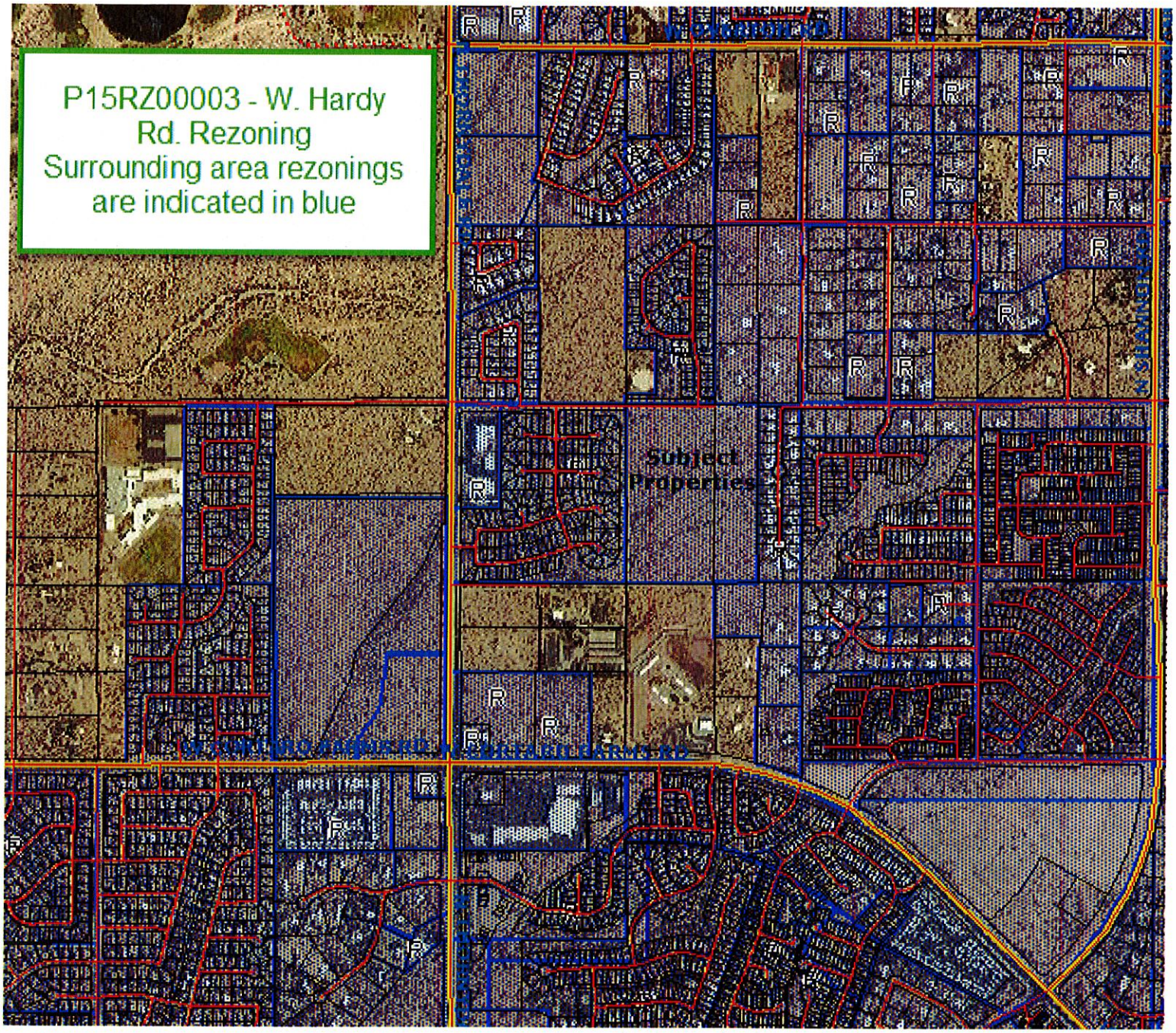
PROJECTS INTERNATIONAL, Inc.
STRATEGIC GUIDANCE
ENTITLEMENT PROCESSES
LOCAL ADVICE & COUNSEL

GRS LANDSCAPE ARCHITECTS, LLC

Red Point Development, Inc.

SOUTH SIDE HARDY RD, EAST OF THORNYDALE RD
(Ownership Entities: Hardy-Thornydale I Associates, Fidelty National Title Trust #10760)
REZONING: SR to CR-5

EXHIBIT II-B.1a-p
PRELIMINARY DEVELOPMENT PLAN


P15RZ00003 - W. Hardy Rd. Rezoning
Surrounding area rezonings are indicated in blue
Subject Properties

F. ANN RODRIGUEZ, RECORDER
Recorded By: KMS
DEPUTY RECORDER
4935

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

SEQUENCE: 20143380190
NO. PAGES: 3
RES 12/04/2014
13:21
PICK UP
AMOUNT PAID: $0.00

RESOLUTION 2014- 117

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY 30.0 ACRES LOCATED ON THE SOUTH SIDE OF W. HARDY ROAD APPROXIMATELY 1,300 FEET EAST OF N. THORNYDALE ROAD, IN SECTION 29 OF TOWNSHIP 12 SOUTH, RANGE 13 EAST, IN THE NORTHWEST SUBREGION.

IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map, Northwest Subregion, is hereby amended to change the planned land use intensity category for approximately 30.0 acres, as referenced in Co7-13-06 Hardy-Thornydale I Associates, et al. – W. Hardy Road Plan Amendment, located on the south side of W. Hardy Road approximately 1,300 feet east of N. Thornydale Road, in Section 29, Township 12 South, Range 13 East, as shown on the map attached to this Resolution as Exhibit A and incorporated by this reference, from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU).

Section 2. The Pima County Comprehensive Plan Regional, Rezoning and Special Area Policies are hereby amended to include the subject site with the following Rezoning Policies:

A. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan and subdivision plat or development plan. This open space shall be protected by covenant and management responsibility identified on the subdivision plat or development plan.

B. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:

   1. Natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;

   2. The site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site set-asides;

   3. Off-site set-aside areas are acceptable to the Pima County Planning Official or designee;

4. Off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and

5. The approximate minimum total natural open space (NOS) set-aside is 75 acres; the approximate minimum on-site NOS set-aside is 10 acres; and the approximate minimum off-site NOS set-aside is 65 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Section 3. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this Resolution.

Section 4. This Resolution shall become effective on the date of adoption.

Passed and adopted, this 2nd day of Dec., 2014.

Chair, Pima County Board of Supervisors

DEC 02 2014

ATTEST:

Clerk of the Board

APPROVED:

Executive Secretary
Planning and Zoning Commission

APPROVED AS TO FORM:

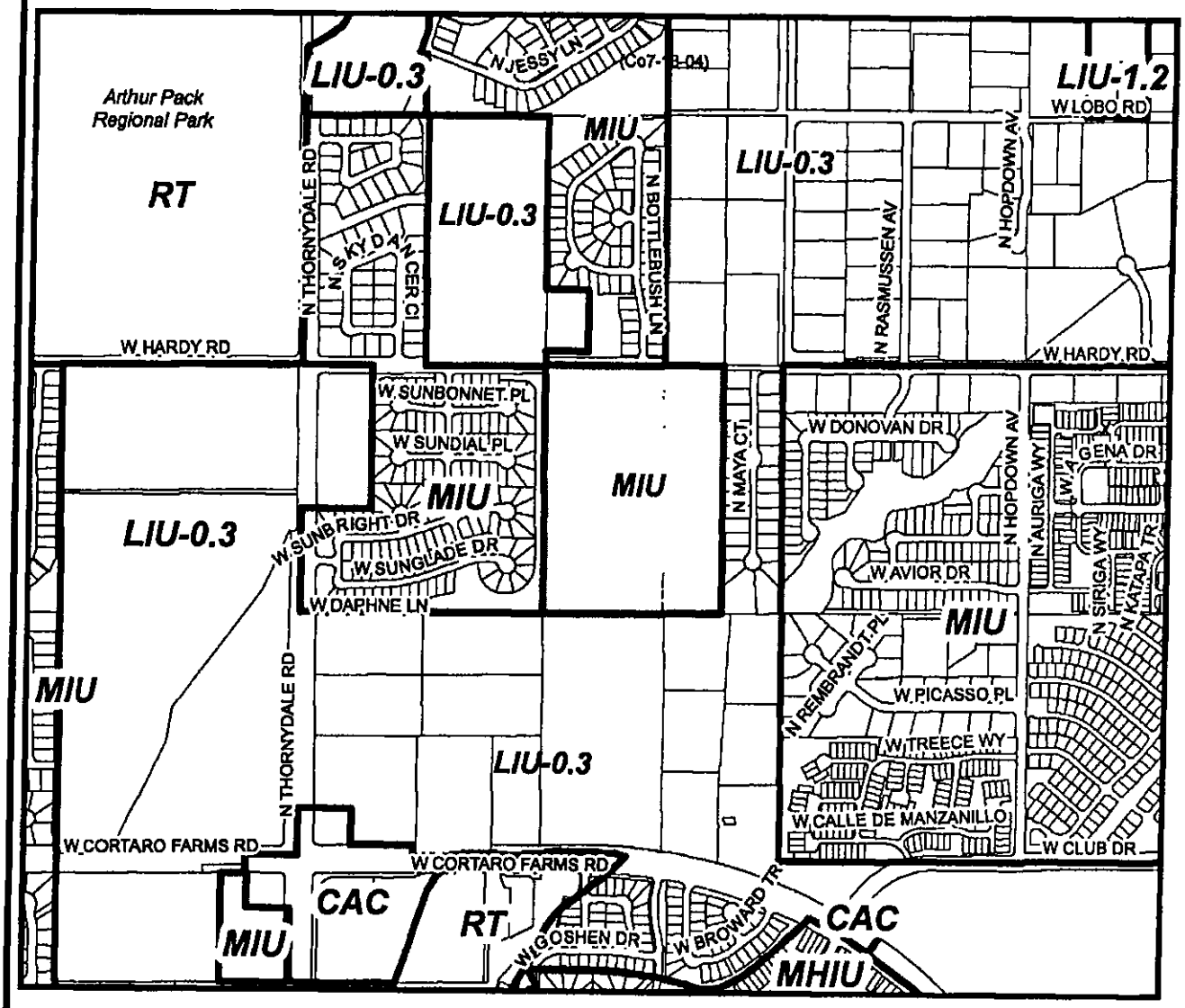
10/31/14

Deputy County Attorney

Co7-13-06

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use Exhibit A



Taxcodes: 225-29-009D 225-29-009F	**Co7-13-06 HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT** Request: From Low Intensity Urban 0.3 (LIU 0.3) To Medium Intensity Urban (MIU) 30.0 Acres +/-	Location: South side of W. Hardy Road, approximately 1,300 feet east of N. Thornydale Road

Northwest Subregion Township 12S, Range 13E, Section 29		North
Planning and Zoning Commission Hearing: September 25, 2013	Map Scale: 10,000	
Board of Supervisors Hearing: November 19, 2013	Map Date: July 2, 2014	

X:\Comprehensive Planning .\Co7-13-06\maps \\ dms

RP-137 Hardy Road east of Thornydale Road (NW)

General Location

North side of W. Hardy Road approximately 1,300 feet east of N. Thornydale Road in Section 20, Township 12 South, Range 13 East. (Ref. Co7-13-06)

Policies

A. Post development floodplains and riparian habitat shall be preserved in open space and be identified on the rezoning preliminary development plan and subdivision plat or development plan. This open space shall be protected by covenant and management responsibility identified on the subdivision plat or development plan.

B. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:

- natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
- the site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site set-asides;
- off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
- off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
- the approximate minimum total natural open space (NOS) set-aside is 75 acres, the approximate minimum on-site NOS set-aside is 10 aces, and the approximate minimum off-site NOS set-aside is 65 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands

Policy 11: The following guidelines apply to lands being considered for off-site mitigation:

a) The location of off-site mitigation properties should be within the same general geographic region of the original project site;

b) Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:

1. CLS designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
2. Vegetation community type(s);
3. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
4. Surface water or unique landforms such as rock outcrops;
5. Contribution to landscape connectivity; and
6. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.

c) Off-site mitigation of IRA may include the purchase and transfer of water rights that directly impact and/or support groundwater dependent ecosystems.

Neighborhood Meeting Summary

Rezoning Case No. P15RZ00003
Hardy-Thornydale I Associates – Hardy Road Rezoning
Hardy Road east of Thornydale Road

Meeting Date & Time: Tuesday, August 29, 2015; the meeting commenced at 6:20 PM.

Location: Tortolita Middle School (Cougar Café), 4101 W. Hardy Road

Meeting Invitation & Mailing: All properties within 1000' of the site (approximately 360 in number) were mailed: 1) an invitation & explanatory cover letter; 2) a color copy of the *Framework Plan* that accompanied the approved comprehensive plan amendment application in 2014; and 3) a color copy of the proposed rezoning *Preliminary Development Plan (PDP).*

Attendance: Thirteen (13) individuals (representing 10 properties) attended the meeting, accounting for approximately 3% of the properties that were noticed. Ten (10) of the thirteen (13) attendees were from the Maya Court subdivision to the immediate east of the rezoning site.

Synopsis: Jim Portner, as applicant and representative of the property owner, welcomed the attendees and introduced Mr. Larry Kreis (General Manager) and Mike Leung (Project Manager) of Red Point Development. Portner provided a historical overview, including exhibits showing the surrounding context of the property, a summary of the approved comprehensive plan amendment, and the proposed concept plan (*Preliminary Development Plan*) accompanying the rezoning. In doing so, he highlighted the various design particulars and demonstrated their consistency with the *Framework Plan* that accompanied the aforementioned comprehensive plan amendment approval. He also outlined the anticipated process and timeline for the rezoning, including the public hearings that would be held before the Planning & Zoning Commission and the Board of Supervisors. After all of the above, the meeting was thrown open for a general discussion of neighbor questions and issues/concerns.

Neighborhood Comment: The neighbor comments were generally unsupportive, but were expressed in a reasonable and professional manner. For all intents and purposes, there was a generally held desire that the subject property be developed as Suburban Ranch (SR) lots rather than the proposed density. With that premise in place, the following issues were raised:

- *Amount of traffic on Hardy Road and Thornydale Road:* There was a general concern that too much traffic was being loaded onto Hardy Road and would significantly worsen an already bad traffic situation on Thornydale Road. This concern was exacerbated by the fact that Miramonte Homes also plans to develop a new subdivision on its 20-acre property that fronts Hardy Road approximately 1000' west of the subject site. It was explained that the long-planned Thornydale RTA improvements were now scheduled to begin in 2018.
- *Will Hardy Road be extended or remain dead-end?* It was explained that the proposed project has no intention of extending Hardy Road to the east and will instead maintain its existing dead-end condition.
- *Setbacks from Maya Court; why not enlarge Maya Court buffer and reduce Sunnyvale's?* Some of the Maya Court residents suggested that the 100' buffer we are providing adjacent to their subdivision could/should be widened, and that the same 100' proposed buffer along the Sunnyvale subdivision (to the west of the rezoning site) should be reduced, since there was already a drainage channel in place at Sunnyvale that also serves to buffer them. It was

Sign-In Sheet

Full-Notice Neighborhood Meeting
P15RZ00003 – Hardy/Thornydale Associates & Pacific Int'l Properties – Hardy Road east of Thornydale Road
September 29, 2015 -- 6:15 PM to 7:45 PM
Tortolita Middle School (Cougar Café)

Name	Street Address	Phone Number	Email Address
Ann Eisenberg	8826 N Sky Dancer Dr	297-1847	—
Mal Eisenberg	" " " "	"	—
Kathy Beckett	8775 N. Maya Ct	831-869313	tothemorning@gmail
Ron Beckett	8775 N. Maya CT	203 675 5666	yumaxing2005@yahoo.com
GILBERT WILLIAMS	8747 N. MAYA COURT	520 219-0559	docebel50@hotmail.com
ANN CAMPBELL	8761 N. MAYA COURT	520 744-6908	drauna@earthlink.net
DIANA GRUSS	8901 N. CAM. DE LA TIERRA	520-668-5547	dlgruss@hotmail.com
Izabel Williams	8747 N. Maya ct	(520) 871.0281	docebel52@hotmail.com
HANS DEWEERDT	8789 N. MAYA CT.	520-572-1235	BODIETA@COMCAST.NET

Sign-In Sheet

Full-Notice Neighborhood Meeting
P15RZ00003 – Hardy/Thornydale Associates & Pacific Int'l Properties – Hardy Road east of Thornydale Road
September 29, 2015 -- 6:15 PM to 7:45 PM
Tortolita Middle School (Cougar Café)

Name	Street Address	Phone Number	Email Address
GALEN DEWEERDT	8789 N MAYA Ct.	572-1235	BODIETA@COMCAST.net
BURT Hillmann Diane Schluck	8746 N. MAYA CT	307-421-7688	schluckd@gmail.com
Anna Benninghoff	8677 N MAYA CT	520-405-5590	abenninghoff@yahoo.com

PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING

Owner	Mailing Address	Email Address/Phone daytime / (FAX)
Larry Kreis, GM	Red Point Development, Inc.	(see attached for contact information)

Applicant (if other than owner)	Mailing Address	Email Address/Phone daytime / (FAX)
Jim Portner, Principal	Projects International, Inc.	(see attached for contact information)

Legal description / property address	Tax Parcel Number
Portion of Sec. 29, T12S, R13E	225-29-009D & 225-29-009F

Acreage	Present Zone	Proposed Zone	Comprehensive Plan Subregion / Category / Policies
30 AC	SR	CR-5	MIU - Northwest Sub-region

The following documentation must be attached:

1. **Assessor's map** showing boundaries of subject parcel and **Assessor's Property Inquiry (APIQ) printout** showing **current ownership** of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with an **original signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, an **original signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, an **original signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit the site analysis fee and eight (8) copies of the site analysis document. If the proposed project will use an on-site wastewater treatment and disposal system (such as a septic system), nine (9) copies of the site analysis document must be submitted. Also submit one CD of the site analysis document.
3. For all rezonings, submit the **entire** rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

July 30, 2015
Date

Signature of Applicant
Jim Portner

FOR OFFICAL USE ONLY

Hardy-Thornydale Assoc. I - West Hardy Rd. Co9- P15RZ00003
Case name

SR CR-5 ✓
Rezoning from Rezoning to Official Zoning Base Map Number Fee Supervisor District

MU 30 acres
Conservation Land System category

Co7-13-86 NW RZ-RP137
Cross reference: Co9-, Co7-, other Comprehensive Plan Subregion / Category /Policies

Received by JV Date 8-4-15 Checked by _____ Date _____

Contact Information
Hardy Road east of Thornydale Road
Rezoning Application – SR to CR-5

Assessors Parcel Numbers

APN 225-29-009D & 225-29-009F

Ownership Entities

- **Hardy-Thornydale I Associates**
- **Fidelity National Title Trust No. 10760**

In Care Of:

Mr. Larry Kreis, General Manager
Red Point Development, Inc.
8710 N. Thornydale Road
Suite 120
Tucson, AZ 85742-5032

Phone: 520.408.2300
Fax: 520.408.2600
Email: lkreis@redpointdevelopment.com

Applicant/Agent

Jim Portner, Principal
Projects International, Inc.
10836 E. Armada Lane
Tucson, AZ 85749-9460

Phone: 520.850.0917
Fax: 520.760.1950
Email: jportner@projectsintl.com

RED POINT
DEVELOPMENT INC.

July 24, 2015

Mr. Chris Poirier, Assistant Planning Director
Pima County Development Services Department
Planning Division
201 N. Stone Avenue – 2nd Floor
Tucson, AZ 85701

RE: LETTER OF AUTHORIZATION
Rezoning Application – Hardy Road East of Thornydale Road

Dear Mr. Poirier:

As the owner-of-record of the above-referenced property (Assessor's Tax Parcel Nos. 225-29-009D), Hardy-Thornydale I Associates hereby authorizes Jim Portner of Projects International, Inc. to represent us as the applicant and/or agent in rezoning the property.

In the interests of disclosure, the officers of Hardy-Thornydale I Associates are as follows:

Edward Louie, Partner
The Leung Family Limited Partnership
Daniel K. Leung, Managing Partner
Michael K. Leung, Partner
Barbara H. Chang, Partner

Sincerely,

Daniel K. Leung, Managing Partner
Hardy-Thornydale I Associates

8710 N. Thornydale Rd, Suite 120 • Tucson, AZ 85742 • Tel: (520) 408-2300 • Fax: (520) 408-2600

FIDELITY NATIONAL TITLE AGENCY, INC.
6245 E. BROADWAY, SUITE 180
TUCSON, ARIZONA 85710
PHONE NUMBER (520)-751-2970
FAX NUMBER (520)-290-2392
E-MAIL ADDRESS mhill@fnf.com

July 23, 2015

Mr. Chris Poirier, Assistant Planning Director
Pima County Department of Development Services
Planning Division
201 N. Stone Ave., 2nd Floor
Tucson, Arizona 85701

Re: Authorization/Rezoning Application – Portion of Hardy Road

Dear Mr. Poirier:

Fidelity National Title Agency, Inc. Trust 10,760 as owner for the property known as Assessor's Tax Parcel 225-29-009F, hereby authorizes Jim Portner of Projects International, Inc. to represent us as the applicant and/or agent in the rezoning of the property referenced above.

Attached is a copy of the recorded Declaration of Trust that states the name of the beneficiary of the trust as Pacific International, an Arizona partnership. The names of the Partners are as follows:

Lawrence C. Leung, Partner
Daniel K. Leung, Managing Partner
Michael K. Leung, Partner
Barbara H. Chang, Partner

Please let me know if you need anything further.

Sincerely,

Martha L. Hill

Martha L. Hill
Trust Officer for
Fidelity National Title Agency Inc.

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: LMD
DEPUTY RECORDER
1963 R008

TENTI
FIDELITY NATIONAL TITLE

[illegible] E BROADWAY STE #A200
TUCSON AZ 85710

DOCKET: 10296
PAGE: 1794
NO. OF PAGES: 1
SEQUENCE: 96082850
05/16/96
DECTR 16:08:00

PICKUP
AMOUNT PAID $ 9.00

ATTN: TRUST DEPT.

DECLARATION OF TRUST AND AFFIDAVIT

FIDELITY NATIONAL TITLE AGENCY, INC., an Arizona corporation, was employed to act in a trustee capacity under its Trust No. 10,760 and hereby declares that it has acquired title to various parcels of property in the name of Trust No. 10,760.

The Beneficiary (Beneficiaries) of said Trust No. 10,760 is (are):

NAME	ADDRESS
PACIFIC INTERNATIONAL	3550 N. FIRST AVE. 150 TUCSON, ARIZONA 85719

Dated this 16TH day of MAY, 1996.

FIDELITY NATIONAL TITLE AGENCY, INC., an Arizona corporation, as Trustee under Trust 10,760, and not in its corporate capacity

BY: Martha L. Hill
Martha L. Hill, Trust Officer

STATE OF ARIZONA)
)ss.
COUNTY OF PIMA)

Subscribed and sworn to before me this 16TH day of MAY, 1996, by Martha L. Hill, who acknowledged herself to be the Trust Officer of Fidelity National Title Agency, Inc., and that she as such officer, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation as Trustee by herself as such officer.

My commission expires:

Suella Swart
Notary Public

OFFICIAL SEAL
SUELLA SWART
Notary Public - Arizona
PIMA COUNTY
My Comm. Expires Sept. 3, 1997

The Board postponed action on this item until the end of the meeting.

This item was reopened at the end of the meeting. Andrew Smallhouse withdrew the petition for the establishment of the Redington Water Conservation District. The Board directed staff to return the bond that had been posted.

In addition, Mr. Huckelberry suggested the County begin paying an increased portion of electrical costs for the County-owned A-7 Ranch, located within the area in question and operated by the petitioner. He also recommended the Board approach the Arizona Corporation Commission to encourage the creation of a ranching category to receive special electrical rates for well pumping related to ranching, especially during drought conditions.

FRANCHISE/LICENSE/PERMIT

16. **Fireworks Permit**

Denese Veek, Caterpillar, Inc., Tinaja Hills Training Facility, 5000 W. Caterpillar Trail, Green Valley, March 1 through March 7, 2014, at 8:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit.

17. **Extension of Premises/Patio Permit**

Donald James Royer, Tucson International Airport Fly Bar, 7250 S. Tucson Boulevard, Tucson, Permanent Extension of Premises.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

18. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-03, LAWRENCE C. LEUNG, INC. - N. THORNYDALE ROAD PLAN AMENDMENT
Request of Lawrence C. Leung, Inc., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Neighborhood Activity

Center (NAC) and Medium Intensity Urban (MIU) for approximately 18.01 acres located on the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard, in Section 20, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Notwithstanding the land use designation on the Land Use Plan, areas which will not be removed from the 100-year floodplain through implementation of plans approved by the Pima County Regional Flood Control District and areas of Pima County Regulated Riparian Habitat shall revert to Resource Transition at the next appropriate annual plan amendment program period.
2. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
3. Due to the nearby location of Mountain View High School, uses permitted shall not include a drive-through restaurant, a restaurant without wait staff service, a convenience store, a gasoline service station combined with a convenience store, a confectionary store, an ice cream store, a refreshment stand, or uses consistent with an indoor amusement or recreational enterprise.
4. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
   - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
   - the site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site set-asides;
   - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
   - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
   - the approximate minimum total natural open space (NOS) set-aside is 33 acres, the approximate minimum on-site NOS set-aside is 9 acres, and the approximate minimum off-site NOS set-aside is 24 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Arlan Colton, Planning Director, provided the staff report for Co7-13-03, Co7-13-04, Co7-13-05 and Co7-13-06. He noted the property owner and the Coalition for Sonoran Desert Protection had come to an agreement regarding all four properties and that new rezoning policies had been added to the conditions. He also conveyed the information from the Marana School District that all schools in the proposed area were currently under capacity. Mr. Colton stated that in each of the four cases numerous public comments from various property owners had been received, the majority were for Co7-13-06.

Jim Portner, Red Point Development, summarized the updated plan for set aside areas and the agreement with the Coalition for Sonoran Desert Protection.

The following speakers addressed the Board:

- Deslonde Lamb
- William Scott
- Judith Yoder
- Stacia Ringer, Huntington Ridge Linda Vista
- Carolyn Campbell, Coalition for Sonoran Desert Protection
- David Lutz
- Tom Webb
- Elizabeth Konto
- Ann Campbell
- Roy Crawford
- Pam Siebrandt
- Jed Benninghoff, Maya Court Homeowners Association
- Gilbert Williams
- Katherine Harper-Beckett
- Kenneth Fischer
- Hans Deweerdt
- Galen Deweerdt
- Rolf Ziegler

They offered the following comments:

- There were no compelling reasons to change the Comprehensive Plan.
- Current flooding issues would be exacerbated by development.
- Roads in the area were already over capacity.
- School capacity was a concern.
- The Coalition for Sonoran Desert Protection worked with the developer and was satisfied with the proposed set aside areas.
- Marana was destroying the Sonoran Desert with developments and needed to be pressured to adhere to the Sonoran Desert Conservation Plan.
- Explosive growth resulted in the need for more roads, bigger schools and more services, which had to be paid for by the taxpayer.
- The developer worked with neighbors to create an acceptable buffer area.
- A higher density population would have a negative effect on traffic, the habitat and the neighborhood.
- If Hardy Road was opened for ingress or egress, there would be an imminent domain issue.
- More housing in this area was not needed and profit was not a reason to destroy habitat.
- There was opposition to changing the Comprehensive Plan, not necessarily to development in general.
- Empty retail space was in abundance in the area and no more was needed.
- Neighborhoods were not represented in meetings between the developer and the Coalition for Sonoran Desert Protection.
- Off-site set asides would not benefit neighbors.
- The Planning and Zoning Commission voted to deny these four requests.

- People and quality of life should come before and above corporate profit and greed.
- Preservation of desert land was no longer an option but a necessity.

The following did not speak but attended in opposition:
- Will DeBoer
- Romy Phillips

The following did not speak but lent their support:
- Paul Green

It was moved by Supervisor Miller and seconded by Supervisor Elías to close the public hearing and approve Co7-13-03, subject to Rezoning Policies.

Chair Bronson offered an amendment that the motion reference and include Rezoning Policy No. 4 as recommended by staff. Supervisors Miller and Elías accepted the amendment to the motion. Upon roll call, the motion unanimously carried by a 5-0 vote.

19. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-04, PACIFIC INTERNATIONAL PROPERTIES, L.L.P. - N. THORNYDALE ROAD PLAN AMENDMENT
Request of Pacific International Properties, L.L.P., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Neighborhood Activity Center (NAC) and Medium Intensity Urban (MIU) for approximately 54.95 acres located on the northwest corner of N. Thornydale Road and W. Cortaro Farms Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted, "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
2. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
   - natural open space set-asides will be provided entirely within the amendment area;
   - the site areas of plan amendment cases Co7-13-03, 05, and 06 are not eligible to serve as off-site set-asides;

- the approximate minimum total natural open space (NOS) set-aside is 46 acres, the approximate minimum on-site NOS set-aside is 46 acres, and the approximate minimum off-site NOS set-aside is 0 acres.

(Clerk's Note: See Minute Item No. 18 for additional discussion regarding this case.)

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-04, subject to the original Rezoning Policy No. 1 and the additional Rezoning Policy No. 2, as amended by staff.

20. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-05, MANDARIN ASSOCIATES - N. THORNYDALE ROAD PLAN AMENDMENT
Request of Mandarin Associates, represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) for approximately 17.77 acres located at the northwest corner of N. Thornydale Road and W. Magee Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Notwithstanding the land use designation on the Land Use Plan, areas which will not be removed from the 100-year floodplain through implementation of plans approved by the Pima County Regional Flood Control District and areas of Pima County Regulated Riparian Habitat shall revert to Resource Transition at the next appropriate annual plan amendment program period.
2. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
3. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
   - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
   - the site areas of plan amendment cases Co7-13-03, 04, and 06 are not eligible to serve as off-site set-asides;
   - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
   - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and

- the approximate minimum total natural open space (NOS) set-aside is 38 acres, the approximate minimum on-site NOS set-aside is 7 acres, and the approximate minimum off-site NOS set-aside is 31 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

(Clerk's Note: See Minute Item No. 18 for additional discussion regarding this case.)

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-05, subject to the original Rezoning Policy Nos. 1 and 2, and the additional Rezoning Policy No. 3.

21. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-06, HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT
Request of Hardy-Thornydale I Associates, et al., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) for approximately 30.0 acres located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornydale Road, in Section 29, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Richey voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan and subdivision plat or development plan. This open space shall be protected by covenant and management responsibility identified on the subdivision plat or development plan.
2. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
    - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
    - the site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site set-asides;
    - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
    - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
    - the approximate minimum total natural open space (NOS) set-aside is 75 acres, the approximate minimum on-site NOS set-aside is 10 aces, and the approximate minimum off-site NOS set-aside is 65 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).Post development floodplains and riparian habitat shall be preserved as open space and be

(Clerk's Note: See Minute Item No. 18 for additional discussion regarding this case.)

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-06, subject to the original Rezoning Policy No. 1 and the addition of Rezoning Policy No. 2.

22. **Rezoning**

Co9-13-09, TITLE SECURITY OF ARIZONA TR 2055 - TANQUE VERDE ROAD REZONING

Request of Title Security of Arizona TR 2055, represented by The WLB Group, Inc., for a rezoning of approximately 41 acres from SR (Suburban Ranch) to CR-1 (Single Residence Zone) and for a rezoning of approximately 81.5 acres from SR (Suburban Ranch) to SR® (Suburban Ranch)(Restricted). The property is located on the north side of Tanque Verde Road approximately 2400 feet east of Houghton Road. The proposed rezoning conforms to the LIU 0.3, LIU 1.2 and RT Comprehensive Plan designations. On motion, the Planning and Zoning Commission voted 8-1 (Commissioner Membrila voted "Nay," Commissioner Holdridge abstained (abstention counts as "Yes" vote) and Commissioner Neeley was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED. 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: The property is limited to one access point on Tanque Verde Road as shown on the preliminary development plan.
8. Regional Flood Control District:
   A. Prior to development the property owner shall submit to the Pima County Flood Regional Control District; a drainage report including Hydraulic Analysis, Conditional Letter of Map Revision, and Riparian Mitigation Plan for review and approval that addresses the impacts of development to the federally mapped floodplain and local area drainage and to determine maximum encroachment limits, building sites, elevations and setbacks.
   B. Maximum encroachment limits shall be shown on the plat.
   C. First flush retention shall be provided within previously disturbed areas.
   D. Post-development floodplains and flood control improvements shall be in common area.
   E. Post development riparian habitat including mitigation areas as shown on the Riparian Habitat Mitigation Plan associated with the plat shall be set-aside as separate common area parcels or as easements within residential parcels to the Homeowner's Association for riparian habitat preservation, mitigation and monitoring.