

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

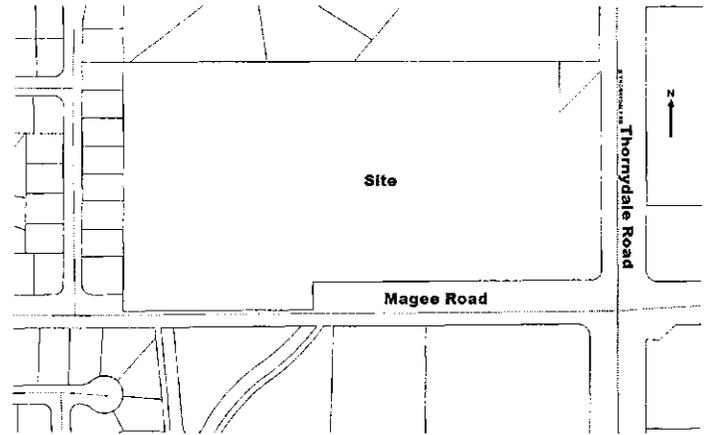
HEARING November 25, 2015

DISTRICT 1

CASE P15RZ00004 Mandarin Associates –
 N. Thornydale Road Rezoning

REQUEST Rezone from SR (Suburban Ranch) to
 CR-5 (Multiple Residence) (17.77
 acres)

OWNER Mandarin Associates
 % Lawrence Leung
 8710 N. Thornydale Road,
 Ste. 120
 Tucson, AZ 85742-5032



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

APPLICANT'S PROPOSED USE

"Single-family residential subdivision" west of the bisecting primary wash and "small multi-family/apartment complex" on approximately 2.2 acres east of the primary wash.

APPLICANT'S STATED REASON

"The proposed rezoning can rightly be viewed as an infill development that will fit well within its surrounding, urbanizing context and will make efficient use of the existing network of public and utility infrastructure that is already in place." The intent of the proposed subdivision west of the primary wash, "...is to be generally consistent in density and character with the existing subdivisions already in place to the west, northwest, and southwest." The proposed multi-family use, "...is appropriate given: 1) its location at the immediate intersection of Thornydale and Magee Roads; and 2) the general greater intensity of uses that are already immediately concentrated around this intersection, including a self-storage facility and post office to the south, a convenience store to the east, and a credit union and fast-food restaurant to the southeast."

COMPREHENSIVE PLAN DESIGNATION

On February 8, 2014, a plan amendment from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) was approved for the site under case Co7-13-05. The requested CR-5 rezoning and proposed overall density of 3.60 residences per acre (RAC) conform to the amended MIU plan designation which allows a maximum of 10 RAC and requires no minimum RAC.

The more recently approved Pima Prospers Comprehensive Plan Update retained the MIU plan designation, but MIU now does not list conforming zones and requires a *minimum of five RAC* and a maximum of 13 RAC. The proposed overall density of approximately 3.60 RAC is below the

minimum required density. However, the rezoning application was submitted on August 4, 2015, prior to the August 17, 2015 effective date of the comprehensive plan update. Therefore, staff is processing the rezoning under the former plan.

Descriptions for both the former MIU and present MIU plan designations are attached. The proposed CR-5 rezoning conforms to both the former and current MIU objectives. The objective of the former MIU was to provide opportunity for a variety of residential types, including cluster developments and single family attached dwellings with special attention given in site design to assure that uses are compatible with adjacent lower density residential uses.

The objective of the current MIU is to designate areas for a mix of medium-density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower-density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

The Co7-13-05 plan amendment was approved with Rezoning Policies listed in the attached Resolution 2014-116. The policies address requirements for identification and protection of post-development floodplains and riparian habitat and for compliance with the Special Species Management Area conservation objectives as per the Conservation Lands System. These Rezoning Policies have carried over as RP-136 under the Pima Prospers comprehensive plan update and are addressed in the report analyses and recommended conditions below.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SH (Suburban Homestead)	Residential Subdivision & Undeveloped Lot
Northeast	TR (Transitional)	Thornydale Road / Undeveloped
South:	CB-2 (General Business)	Magee Road / Post Office, Self-Storage
	CR-5 (Multiple Residence)	Magee Road / Residential Subdivision & Undeveloped Lot
Southeast	CB-1 (Local Business)	Street Intersection / Credit Union / Restaurant
East:	CB-1	Thornydale Road / Convenience Store, Undeveloped
West:	CR-4 (Mixed-Dwelling Type)	Residential Subdivision

PREVIOUS REZONING CASES ON PROPERTY

The site has had two past rezoning approvals that have been closed. The first was Co9-78-97 from SR to CR-5 for the entire site. The second was Co9-80-5 from SR to TR for all but the western one-fourth of the site.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Approximately one mile to the north of the subject property, case Co9-15-02 was approved on September 15, 2015 for a rezoning from SR to CR-4 for a 34-lot subdivision on 9.79 acres located east of Thornydale Road and south of Linda Vista Boulevard.

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 1959 to the present. Most rezonings were approved. Some were withdrawn or denied; and some approved cases were closed via re-rezoning or time limit expiration.

All property surrounding the site has been rezoned, resulting in single-family subdivision development and business service development, including a post office, fronting the arterial roads at or near the intersection. Some commercial and office sites have not yet been developed. The single-family residential development includes CR-4 and CR-5 subdivisions to the immediate west and southwest an SH subdivision with acre or greater-sized lots to the immediate north.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL with conditions**. The applicant proposes a CR-5 (Multiple Residence) rezoning of a 17.77-acre mostly undisturbed infill site at the northwest corner of the intersection of Thornydale Road and Magee Road. The proposal consists of detached single-family residential development west of the primary wash that runs diagonally from the northeast corner of the site to the middle south boundary, and multi-family development within a smaller area east of the primary wash near the street intersection.

The proposed single-family residential development consists of 28 subdivision lots representing 1.85 residences per acre (RAC) after road right-of-way dedication. The typical lot size is shown at 6,600 square feet which is within the range of lot sizes within CR-4 and CR-5 subdivisions within an eighth-mile of the site. The outlier is the acre-plus lots within the SH subdivision to the north for which a 150-foot natural bufferyard is proposed.

The proposed estimated maximum 36-unit multi-family/apartment buildings development is on approximately 2.2 acres of the site representing 16.4 RAC. It is optimally located near the major street intersection furthest away from existing single-family residential development and nearest to existing and future services that also offer potential employment. It is also adjacent to the transit route along Thornydale Road. The multi-family units will provide an appropriate mix of housing opportunity and increases the use efficiency of the site and existing infrastructure and planned improvements.

Approximately one-half mile north of the site, Thornydale Road north of Cortaro Farms Road is currently operating over capacity, but this segment is tentatively scheduled for capacity improvements in 2018. Also, Cortaro Farms Road, linking to Interstate 10 west of Thornydale Road, is operating over capacity. Its improvement is under design. Concurrency of infrastructure is otherwise met.

The site will be served by Metropolitan Domestic Water Improvement District. The District is not a renewable Central Arizona Project water supplier. As a result, staff recommends condition #4E which requires implementation of water conservation measures identified in the Preliminary Integrated Water Management Plan.

The site is located within the Maeveen Marie Behan Conservation Lands System (CLS) with designations of Multiple Use Management Area on almost the entire site and Special Species Management Area on the eastern approximate two-thirds. On- and off-site natural open space set-aside is proposed to meet the full measure of CLS policy for these designations. Approximately 6.5 acres is proposed to be preserved on-site, including within most of the Regulated Riparian Habitat of the larger of two washes that traverse the site and also within natural bufferyards, including a 150-foot bufferyard adjacent to large residential lots to the north. Based on Rezoning Policies approved for the comprehensive plan amendment of the site, staff recommends conditions under #6, which include a requirement for a total of 38 acres of on- and off-site natural open space set-aside to achieve compliance with CLS Conservation Guidelines and specific Comprehensive Plan Rezoning Policy "C" approved for the site in 2014 (Co7-13-05).

Rezoning Policy "B" requires post development floodplains and riparian habitat to be preserved as open space and be identified on the subdivision plat and development plan along with management responsibility and also be protected by covenant. Staff recommends condition #4D to achieve compliance with the Rezoning Policy.

Rezoning Policy "A" calls for remaining 100-year floodplain and Regulated Riparian Habitat to revert to the plan designation of Resource Transition (RT) [or Low Intensity Urban 0.3 (LIU 0.3) under the revised Pima Prospers Rezoning Policy for the site since RT is no longer a plan designation]. The spirit of this policy will be achieved by reflecting post development floodplains and Pima County Regulated Riparian Habitat including mitigation areas on the Pima Prospers Regional Hydrology Maps as noted in the Flood Control Report below.

Planning Analysis

Staff supports the request because the plan for proposed detached and multi-unit residential development, as designed, represents compatible infill with adjacent detached residential development. Also, concurrency of infrastructure exists or is scheduled to serve the proposed higher density uses. There are commercial services, a regional park, public schools, a fire station, and a post office in the vicinity. However, major employment centers are not located in this suburban area; and the only public transit available is a limited service Sun Tran shuttle route along Thornydale Road.

The proposed overall density is 3.60 RAC. The current SR zoning, which provides a maximum residential density of 0.3 RAC (3.3 acres per residence), does not allow sufficient density to conform to the Medium Intensity Urban plan designation of the site and thus provides for inefficient residential land use given the area's higher residential densities, available infrastructure including water service, public schools with excess capacity, existing and planned commercial services, and recreational amenities.

Maximum building heights of 34 feet are proposed in line with the CR-5 maximum. The single-family residential portion of the site development is proposed for one- and two-story homes. The site analysis indicates that there are one- and two-story detached homes within one-fourth mile of the site, but homes adjacent to the site are single-story. The proposed 150-foot common area natural bufferyard will serve to buffer any two-story homes from existing one-story homes on large lots to the north of the site. The bufferyard narrows to 50 feet where no adjacent development exists to the north and where only one lot is proposed within the subject site. A minimum 50-foot common area natural bufferyard is proposed along most of the west boundary adjacent to existing one-story homes on small lots. Any two-story homes proposed on the six lots proposed closest to the west boundary of the site will be subject to Zoning Code section 18.09.110 Two-story Residential Buffer Setback. The provision requires a 60-foot setback between proposed two-story development and existing one-story development's property line. The purpose of the setback is to reduce views into the side and rear yards of existing adjoining developments and to encourage less intrusive siting of two-story development in residential zones.

The site is relatively flat and consists of natural vegetation. Approximately 11 acres of the 17.77 acres will be disturbed. The disturbance will include the re-routing of the smaller western wash to enable the detached residential lot layout as proposed. More work will be needed pertaining to this re-routing as detailed in item #4 of the Flood Control Report. Of the 309 saguaros on the site, approximately 82 will be preserved within the approximate one-third of the site that will remain undisturbed. Of the 263 ironwood trees on the site, approximately 81 will be preserved within undisturbed areas. In addition to codified native plant preservation and mitigation requirements, the disturbance of what are significant numbers of these protected species will be further mitigated by the requirement for off-site natural open space set-aside of similarly valued desert habitat.

Two access points are proposed from Magee Road, one for the detached single-family residential portion of the proposed development and one for the proposed multi-family/apartment buildings portion. The proposed driveway culvert crossing of the larger eastern wash will link the two development areas and satisfy emergency access requirements for two points of drivable all-weather access. Additional right-of-way dedication to perfect the planned north half right-of-way for Magee Road is recommended per condition #3A.

Sewer connection will be made with the existing line within the Magee Road right-of-way.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection. Minor Concurrency Concern with Thornydale Road and Cortaro Farms Road north of site.
FLOOD CONTROL	Yes	No objection, subject to conditions.
WASTEWATER	Yes	No objection
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Metro Water "will serve" letter in site analysis, subject to any needed facilities.
SCHOOLS	Yes	Per school capacity response email 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 and Cortaro Farms Road. The subject property is located on the north side of Magee Road, west of Thornydale Road. The rezoning is proposing 28 single family homes and 36 multi-family homes which could generate approximately 520 average daily trips (ADT). Two access points on Magee Road are proposed. An all-weather access driveway is depicted on-site connecting the single family residential to the multi-family residential.

Magee Road is a paved county maintained low-volume arterial road with a planned future right-of-way of 90 feet. From the intersection of Thornydale and Magee west approximately 780 feet, the existing right-of-way is 120 feet. Along the western 500 feet of frontage, the right-of-way narrows down to 45 feet. An additional 45 feet will need to be dedicated for Magee Road as a condition of this rezoning. The current traffic count west of Thornydale Road is 5,488 ADT, and the capacity is approximately 16,000 ADT.

Thornydale has an existing right-of-way of approximately 150 feet. Thornydale Road was established in 1931 with 60 feet of right of way, 30 feet on each side of the centerline (also the section line). In 2004, the county acquired an additional 45 feet for the western half of Thornydale through eminent domain proceedings. Thornydale Road is a four-lane roadway adjacent to this site with curbs, sidewalks, or bike lanes. It is listed on the Pima County Major Streets and Scenic Route Plan as a medium volume arterial with a planned future right-of-way of 150 feet. The posted speed is 35 mph, with a capacity estimated at 35,000 ADT. The most recent traffic count is 23,093 ADT for the segment south of Cortaro Farms Road.

Other significant roadways in the vicinity of this project include Lambert Lane (current count 5,610 ADT, capacity 13,122 ADT), Overton Road (current count 6,701 ADT, capacity 14,000 ADT), Cortaro Farms Road (west of Thornydale Road current count 18,749 ADT, capacity 13,122 ADT), Linda Vista Boulevard (current count 10,675, capacity 14,000 ADT), Camino de Oeste (current count 4,441 ADT, capacity 13,122 ADT), Shannon Road (current count 10,220 ADT, capacity 13,122 ADT), and La Cholla Boulevard (current count 11,905 ADT, capacity 35,820 ADT).

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. Cortaro Farms Road west of Thornydale to Camino de Oeste is under design. This project will widen the road to a four lane cross section with bike lanes, curb, sidewalk, and a landscaped median. Both projects will increase the capacity to the respective road ways to 35,000 ADT.

The Department of Transportation has no objection to this request subject to the following conditions:

- The property owner/developer shall dedicate 45 feet of right-of-way for Magee Road.
- The property is limited to two access points as depicted on the preliminary development plan. No direct access to Thornydale Road shall be permitted.

FLOOD CONTROL REPORT

The Regional Flood Control District (District) has reviewed the subject request and has the following comments:

1. Two regulatory watercourses impact the site. The western floodplain has been mapped by the developer and the eastern floodplain is FEMA Special Flood Hazard Area (SFHA) Zone A. The District has mapped a Special Studies floodplain for the eastern wash which extends further to the north than the Zone A designation. The Floodplain Ordinance requires a Letter of Map Revision when subdivision improvements modify the SFHA.

2. The preliminary development plan shows that the western floodplain will be channelized including culverts at road crossings. Bank protection and fill is proposed to narrow this channel from over 200 feet to 25 feet. A flow dissipater to return flows to the existing natural discharge is proposed on the downstream side. Minor encroachments are also proposed within the FEMA floodplains.

3. The proposal includes encroachment into floodplains and Pima County Regulated Riparian Habitat that are identified on the Regional Hydrology Maps, which is in non-conformance with Pima Prospers and the intent of PCC Title 16. Unless justified, Resource Areas shown on the Regional Hydrology Maps including floodplains and riparian habitat shall be avoided, contained within open space and dedicated to the District if determined necessary during the platting process. Modified Development Standards process should be employed to maintain lot yield. Post-development floodplains shall be included in the Pima Prospers Regional Hydrology Maps.

4. The western wash is proposed to be re-routed from a diagonal course from northeast to southwest to a perimeter channel along the north and west boundaries of the site. No documentation that the proposed design complies with Section 404 of the Clean Water Act has been provided. The exit point of the proposed channel at Magee Road does not align with the existing dip section within Magee Road designed to convey flow to the constructed drainage channel to the south. Instead, this site's proposed channel exits immediately north of private property walls, and a proposal for directing flow to the dip section has not been provided.

5. During the inter-departmental Site Analysis Completeness Review, the District recommended revising the design to reduce the encroachments and natural drainage alterations. The applicant has declined to do so.

6. 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.

7. 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 one mile had depths to groundwater between 225' and 782' however dates tested range from 1982-1989. Furthermore most of these exceed 400' with those few in the 200s closest to the Canada del Oro Wash. 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 10 feet to minus 20 feet and be 450 to 600 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 2.2 miles away.
- e. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1,600-3,200 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 34.54 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. Per Pima Prospers Policy 9c and 9d, additional offsets would be required to reduce the increased water use to that of existing zoning. This method has not yet been formalized and use of conservation measures committed to and identified on Table B accomplishes this offset under current policy.

In conclusion the District finds that the project **meets concurrency requirements; however the eastern drainage proposal remains problematic.** If the rezoning is approved, the District recommends conditions under #4 of the Standard and Special Conditions in this report.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the rezoning request and offers the following comments for your use. Approval of the rezoning would allow for the construction of a single-family and multi-family residential development at the northwest corner of Thornydale and Magee Roads.

The PCRWRD has no objection to the rezoning request, subject to the rezoning conditions recommended under #5 of the Standard and Special Conditions in this report.

ENVIRONMENTAL PLANNING REPORT

Site Conservation Values and Landscape Context:

- Nearly the entire 17.7-acre site lies within the CLS; designations are Special Species Management Area (0.3 acres), Multiple Use Management Area (4.8 acres), Multiple Use Management Area w/Special Species Management Area (11.7 acres). Approximately 0.9 acres is Outside the CLS.
- 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: Riparian areas are largely intact. Saguaros (309) and ironwood trees (263) 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 approximately 20-acre PCDOT mitigation property. Both are nearly ¼ mile from the subject property as is The Tucson Audubon Society's Mason Center.
- The site is not identified for acquisition under the 2004 Open Space Conservation Bond Program. Neither is it identified for acquisition under 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. Residential uses south of Cortaro Farms are more intense in nature with most areas built out at CR-4 and CR-3. The adjoining property to the north, however, is the one notable exception at Suburban Homestead. While there are significant areas north of Cortaro Farms that are preserved as open space or developed at densities more compatible with retaining native biological resources, resources of the subject property are not physically connected and are making only a limited contribution to landscape permeability for biological resources.

Potential Impact to Biological Resources and CLS:

According to the preliminary development plan, approximately 6.5 acres will be retained as natural open space including nearly all of the riparian area, 27% of the saguaros (including 5 of the 7 saguaros over 18' tall) and 31% of the ironwood trees. Impacts to 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 38 acres of natural open space will be provided in a combination of on- and off-site areas. The preliminary development plan proposes on-site natural open space of approximately 6.5 acres; the balance is to be provided off-site.

In summation, given the site's on-site resources, landscape context, and the mitigation to occur on-site and off-site as specified in the rezoning conditions recommended under #6 of the Standard and Special Conditions in this report, this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.

CULTURAL RESOURCES REPORT

The Site Analysis can be considered complete for Cultural Resources. The subject property is located within a half-mile of the River Confluence and Middle Santa Cruz Priority Archaeological Site Complexes and within a zone of high archaeological sensitivity (Sonoran Desert Conservation Plan). Staff recommends the rezoning condition found under #7 of the Standard and Special Conditions in this report.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

NRPR finds the site analysis complete.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

In the attached comment dated October 26, 2015, the USFWS reports concerns related to the site and states:

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 C.

The species potentially impacted is the lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*), 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 (are) saguaros occurring within the parcel, (that they) 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 aside 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.”

WATER DISTRICT REPORT

Staff has not received a response to a request for comments from Metropolitan Domestic Water Improvement District.

[A letter dated July 14, 2014 from Metropolitan Domestic Water Improvement District (contained in the rezoning site analysis, Page 78) indicates that it will provide water service to the project site.]

SCHOOL DISTRICT REPORT

Marana Unified School District did not respond to a staff request for comments pertaining to the rezoning.

[A letter dated June 23, 2015 from Marana Unified School District (contained in the rezoning site analysis Page 81) indicates that for all four concurrent rezonings, inclusive of the subject property, the District has the capacity to accommodate the future students at the District schools serving the area. One of the four rezonings proposes a commercial development with no residential component.]

FIRE DISTRICT REPORT

Staff has not received a response to a request for comments from Northwest Fire District.

PUBLIC COMMENT

As of the writing of this staff report, staff has not received any written public comment.

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 Magee Road.

- B. The property is limited to two access points as depicted on the preliminary development plan. No direct access to Thornydale Road shall be permitted.
4. Flood Control 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. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
 - C. Flows from the eastern drainage channel shall be directed to the public drainageway in Orangewood Estates, and required infrastructure within the right-of-way or at the entrance to the drainageway shall be completed at no cost to Pima County.
 - D. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
 - E. 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 Prosper Policy.
5. 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 (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/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 PCRWRD.
 - 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 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/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, preliminary sewer layout, 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.
6. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) conservation guidelines by providing a total of 38 acres as Natural Open Space (NOS). No less than six acres of NOS will be provided on-site; the difference between the total 38 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 06 are not eligible to serve as off-site NOS;
 - 2) Off-site NOS is acceptable to the Pima County Planning Director 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 Director 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.

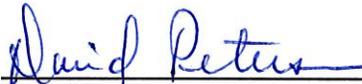
Invasive Non-Native Plant Species Subject to Control:

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 solstitialis	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. 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. The property owner shall execute and record the following disclaimer regarding Prop 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(l)."
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

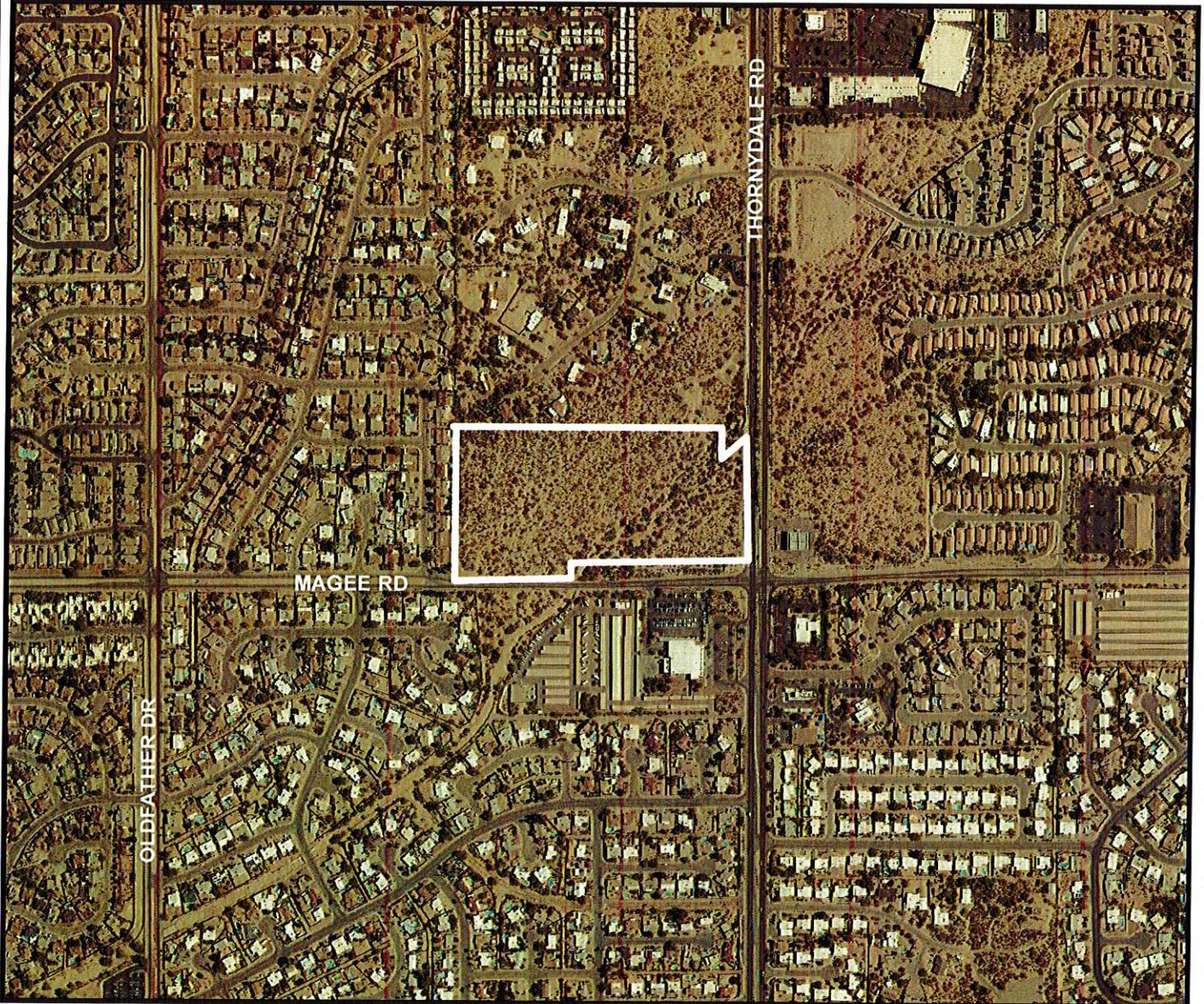
Respectfully Submitted,



David Petersen, AICP
Senior Planner

- c: Mandarin Associates, % Lawrence Leung, 8710 N. Thornydale Road, Ste. 120, Tucson, AZ 85742-5032
Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane, Tucson, AZ 85749-9460

Case #: P15RZ00004
 Case Name: MANDARIN ASSOCIATES - N. THORNYDALE ROAD REZONING
 Tax Code(s): 225-33-066A



0 285 570 1,140 Feet

Proposed rezoning from SR to CR-5

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**



Notes: Ref: CO7-13-05, CO9-78-97, CO9-78-99, CO9-80-5

PIMA COUNTY COMPREHENSIVE PLAN CO7-00-20

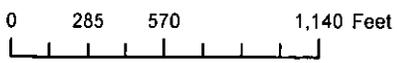
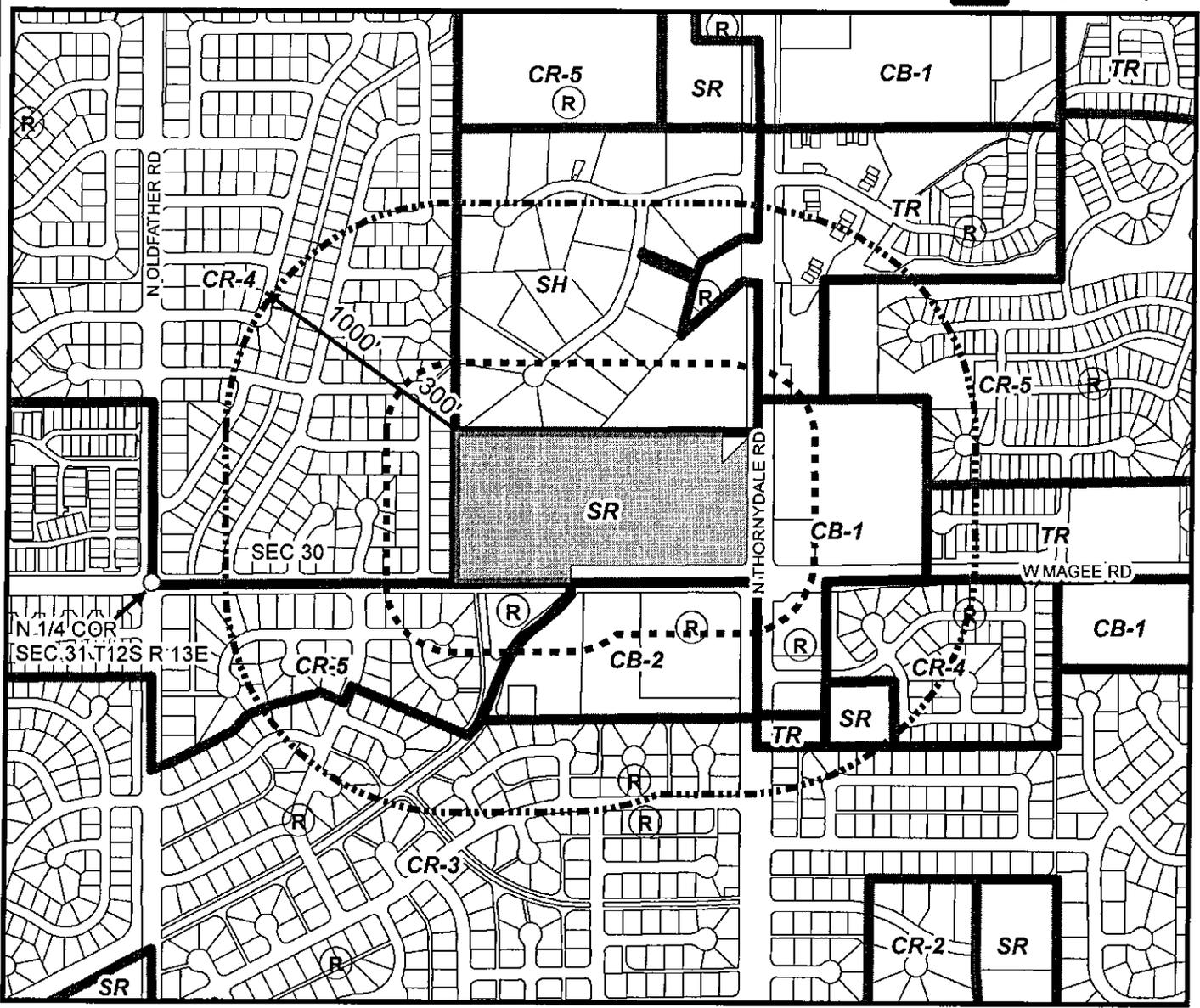
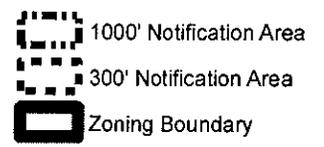
Base Map(s): 114

Map Scale: 1:8,000

Map Date: 10/30/2015



Case #: P15RZ00004
 Case Name: MANDARIN ASSOCIATES - N. THORNYDALE ROAD REZONING
 Tax Code(s): 225-33-066A



Area of proposed rezoning from SR to CR-5

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

 PIMA COUNTY DEVELOPMENT SERVICES	Notes: Ref: C07-13-05, C09-78-99, C09-80-5		
	PIMA COUNTY COMPREHENSIVE PLAN C07-00-20		
	Planning & Zoning Hearing: 11/25/15 (scheduled)		
	Base Map(s): 114	Map Scale: 1:8,000	

PROJECT AREA

Gross Area: 17.7 AC (Approximate)
 Net Area (Post R.O.W. Dedication): 17.3 AC (Approximate)

PROJECT PARTICULARS

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

PROPOSED USE(S)

Single-Family Residential Subdivision (28 Lots)
 Typical Lot Size: 55'x120' (6,600 SF)
 Multi-Family Units/Apartments (Estimated 36 Units Maximum)

BUILDING HEIGHTS

Maximum 34' Permitted; Project will contain 1-Story and 2-Story Single-Family Residences. Project will contain 2-Story Multi-Family/Apartment Buildings.

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, LOADING, ETC.

Parking for the Single-Family Subdivision and the Multi-Family/Apartments component will be in accordance with Sec. 18.75. Final demonstration of same, together with provisions for loading, trash collection, etc., will be demonstrated at the time of future Subdivision Platting and Site Development Package review.

BUFFER YARDS

Bufferyard "C" required along north and west boundaries. Bufferyard "D" required along Thornydale and Magee frontages.

CONSERVATION LANDS SYSTEM (CLS)

Natural Open Space per this PDP: 6.5 AC

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

LEGEND

- PDP Boundary
 - 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"
 - Vehicular Parking Area
- * The multi-family apartments layout depicted here is conceptual only and will be finalized at the time of future Site Development Package.
- * Thornydale Road and Magee Road are designated Major Streets and Scenic Routes.

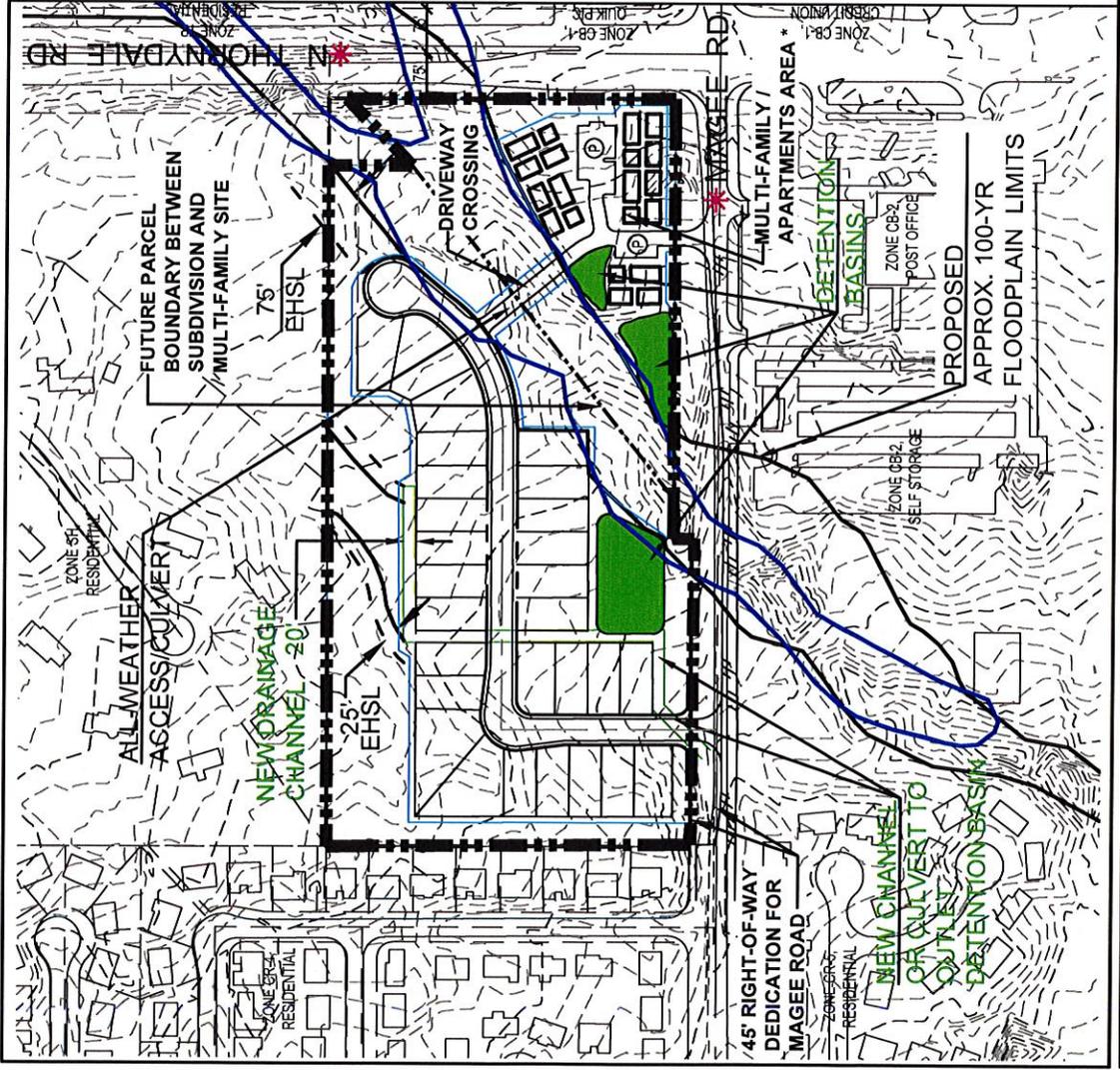


EXHIBIT II-B.1a-p
 PRELIMINARY DEVELOPMENT PLAN
 PAGE 55

Red Point Development, Inc.
 NWC MAGEE & THORNYDALE ROADS
 (Ownership Entity: Mandarin Associates)
 REZONING: SR to CR-5

GRS
 LANDSCAPE ARCHITECTS LLC

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

P15R200004 Preliminary Development Plan

**PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING**

Larry Kreis, GM Red Point Development, Inc. (see attached for contact information)

Owner Mailing Address Email Address/Phone daytime / (FAX)

Jim Portner, Principal Projects International, Inc. (see attached for contact information)

Applicant (if other than owner) Mailing Address Email Address/Phone daytime / (FAX)

Portion of Sec. 30, T12S, R13E 225-33-066A

Legal description / property address Tax Parcel Number

17.77 AC SR CR-5 MIU - Northwest Sub-region

Acreage Present Zone Proposed Zone Comprehensive Plan Subregion / Category / Policies

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

Mandarin Associates - N. Thornydale Road Rezoning Co9- P15RZ000004

Case name

SR CR-5 114 \$9,269⁰⁰ 1

Rezoning from Rezoning to Official Zoning Base Map Number Fee Supervisor District

Special Species Mgmt. & Multiple Use Mgmt

Conservation Land System category

Co7-13-05 NW / MIU / RP-136

Cross reference: Co9-, Co7-, other

Comprehensive Plan Subregion / Category /Policies

Received by P/4/15 Date T.T. Checked by D.P. Date 8/5/15

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 – NWC Thornydale Road @ Magee Road

Dear Mr. Poirier:

As the owner-of-record of the above-referenced property (Assessor's Tax Parcel No. 225-33-066A), Mandarin 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 Mandarin Associates are as follows:

G. Lawrence Schubart, Partner
Lawrence C. Leung, Partner
Daniel K. Leung, Managing Partner
Barbara Chang, Partner
Michael K. Leung, Partner
Edward Louie, Partner

Sincerely,



Daniel K. Leung, Manager Partner
Mandarin Associates

Former Comprehensive Plan

Medium Intensity Urban

'MIU' or 'D' on the Land Use Plan Maps

- a. Purpose: To designate areas for a mix of medium density housing types and other compatible uses.
- b. Objective: These areas provide an opportunity for a variety of residential types, including cluster option developments, and single family attached dwellings. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses.
- c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
 - 1) Minimum - none
 - 2) Maximum - 10 RAC
- d. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
 - 1) Minimum – 3 RAC
 - 2) Maximum – 5 RAC
- e. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) GC Golf Course Zone
 - 2) CR-1 Single Residence Zone
 - 3) CR-2 Single Residence Zone
 - 4) CR-3 Single Residence Zone
 - 5) SH Suburban Homestead Zone
 - 6) CR-4 Mixed-Dwelling Type Zone
 - 7) CR-5 Multiple Residence Zone
 - 8) CMH-1 County Manufactured and Mobile Home-1 Zone
 - 9) CMH-2 County Manufactured and Mobile Home-2 Zone
 - 10) MR Major Resort Zone
 - 11) TR Transitional Zone

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

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



SEQUENCE: 20143380189
NO. PAGES: 4
RES 12/04/2014 13:21
PICK UP
AMOUNT PAID: \$0.00

RESOLUTION 2014- 116

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 17.77 ACRES LOCATED AT THE NORTHWEST CORNER OF N. THORNYDALE ROAD AND W. MAGEE ROAD, IN SECTION 30 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 17.77 acres, as referenced in Co7-13-05 Mandarin Associates – N. Thornydale Road Plan Amendment, located at the northwest corner of N. Thornydale Road and W. Magee Road, in Section 30, 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) and Resource Transition (RT) 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. 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.
- B. 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.
- C. 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 06 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 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).

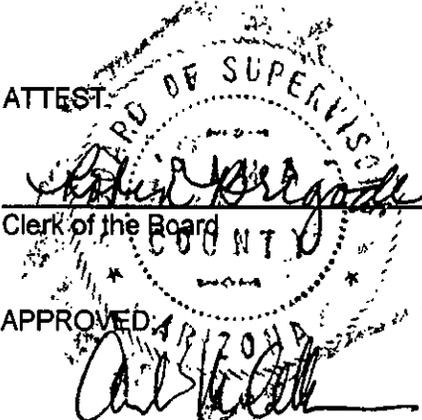
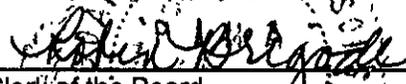
Section 3. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this Resolution.

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

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

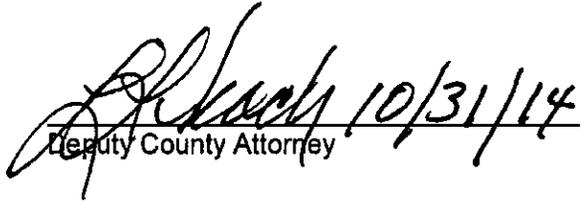

 Chair, Pima County Board of Supervisors **DEC 02 2014**

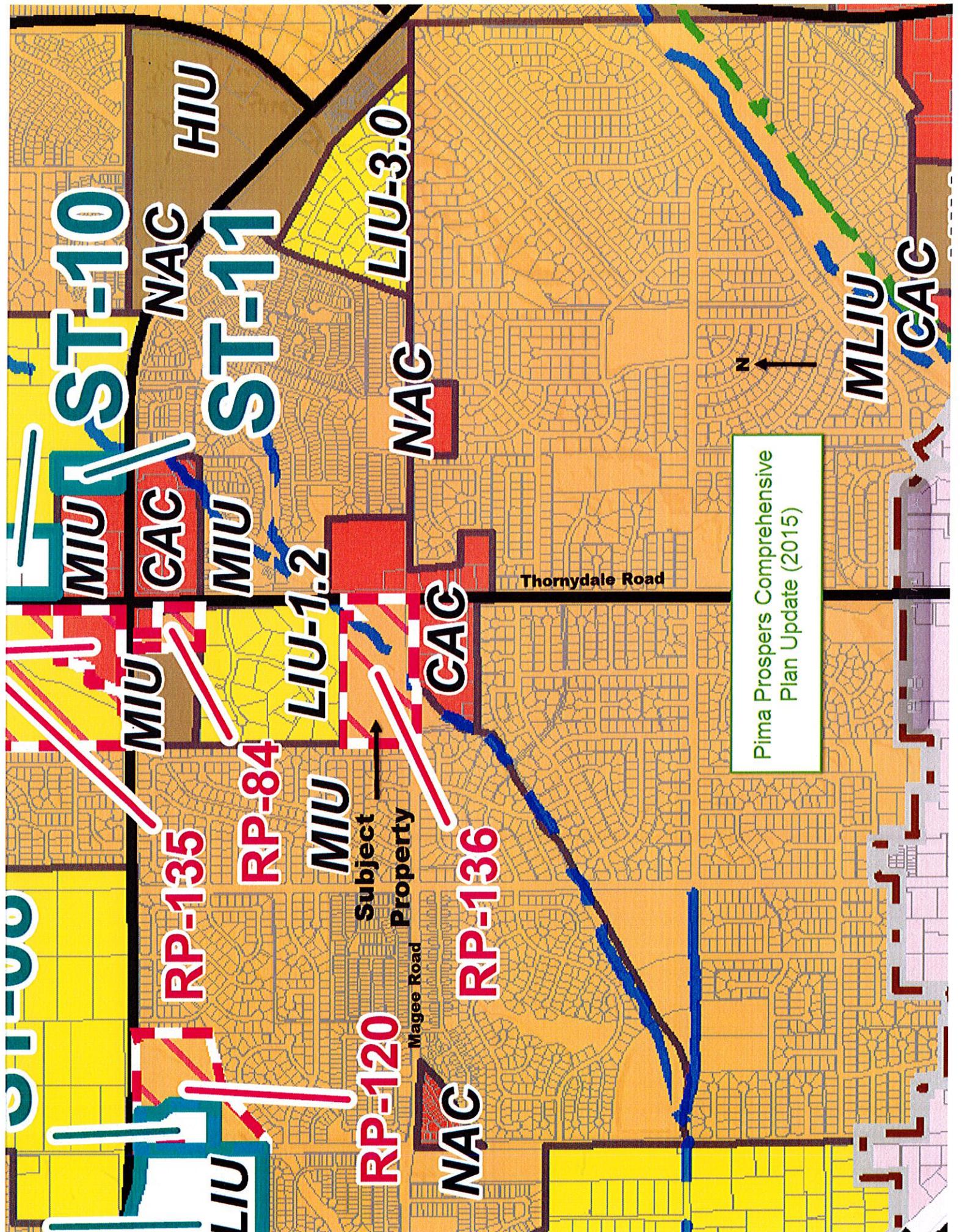
ATTEST



 Clerk of the Board

APPROVED: 
 Executive Secretary
 Planning and Zoning Commission

APPROVED AS TO FORM:

 10/31/14
Deputy County Attorney



ST-10

NAC

HIU

ST-11

LIU-3.0

NAC

MLIU

CAC

MIU

CAC

MIU

LIU-1.2

CAC

Thornydale Road

MIU

RP-84

MIU

CAC

RP-135

RP-120

NAC

RP-136

Magee Road

Subject Property

Pima Prosper Comprehensive Plan Update (2015)



Pima Prospers Comprehensive Plan Update

Medium Intensity Urban (MIU)

a. Objective: To designate areas for a mix of medium density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

b. Residential Gross Density: Residential gross density shall conform to the following:

- 1) Minimum – 5 RAC
- 2) Maximum – 13 RAC

c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs). Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:

- 1) Minimum – 5 RAC
- 2) Maximum – 10 RAC

RP-136 Thornydale Road at Magee Road (T)

General Location

Northwest corner of W. Magee Road and N. Thornydale Road in Section 30 of Township 12 South, Range 13 East. (Ref. Co7-13-05)

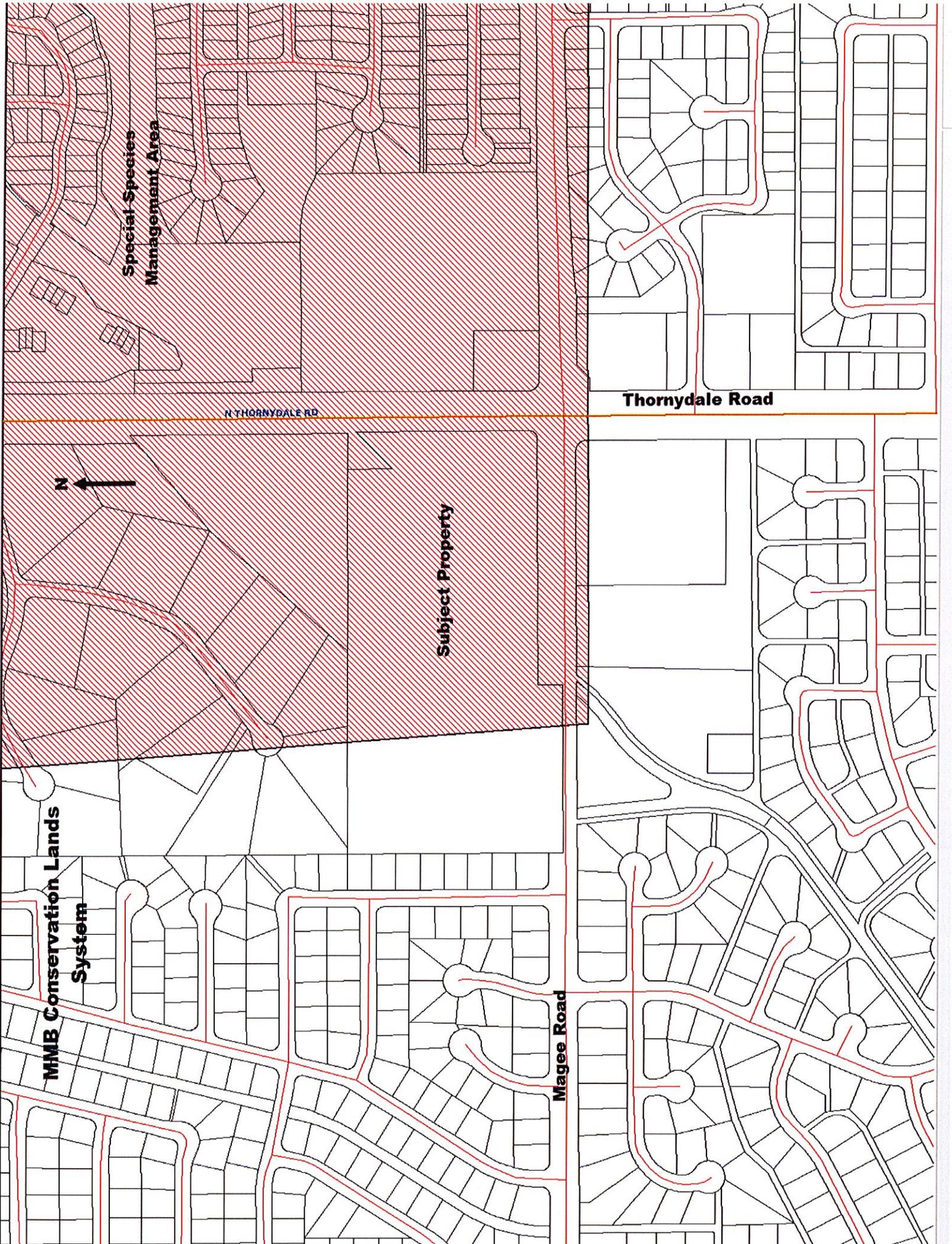
Policies

- A. 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 LIU 0.3 at the next appropriate annual plan amendment program period.
- B. 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.
- C. 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).

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.



Special Species
Management Area

N THORNYDALE RD

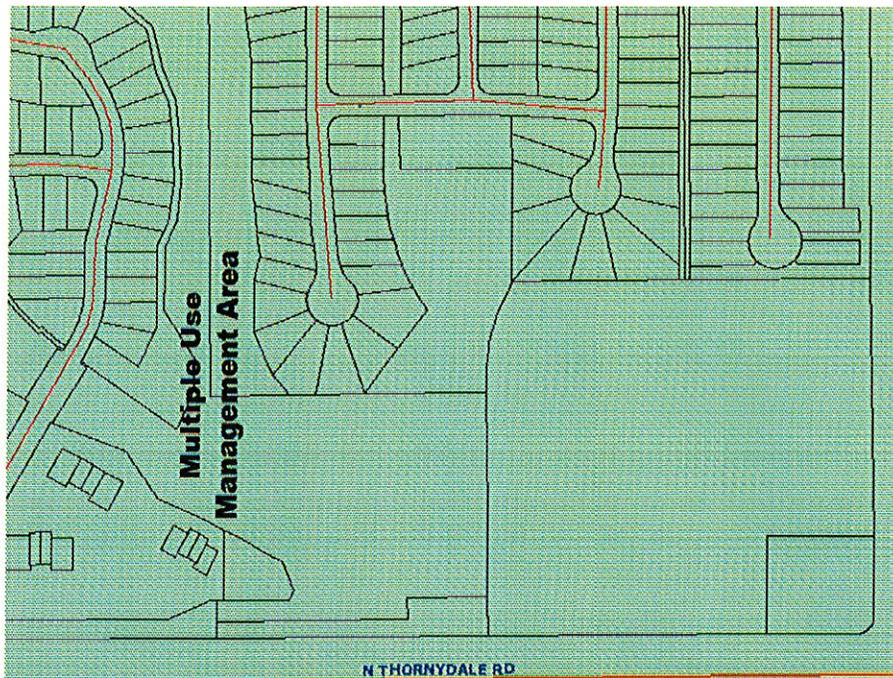
Thornydale Road

N ↑

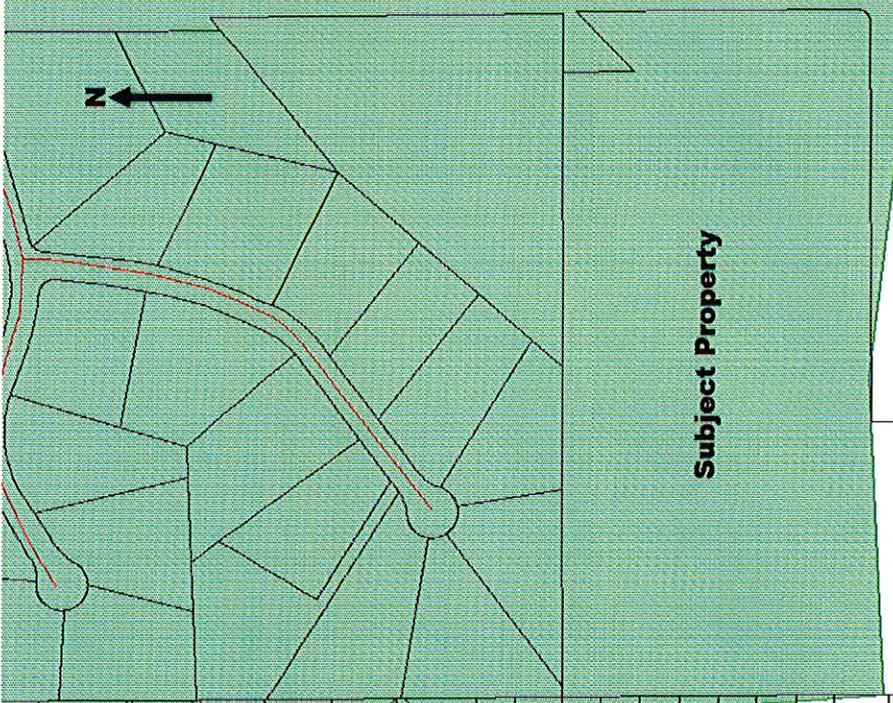
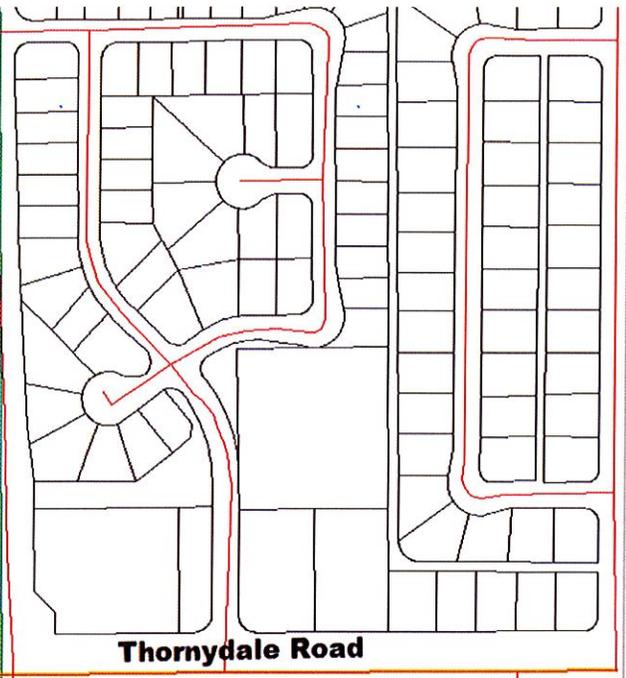
Subject Property

MMB Conservation Lands
System

Magee Road



N THORNYDALE RD



Co7-13-05 Plan Amendment Approval BOS Minutes 2-18-14

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 Elfas 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 Elfas 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 Membrilla 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 Elias 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 Membrilla 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-Thornycdale 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. Thornycdale 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 Membrilla 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 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). 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 3-1 (Commissioner Membrilla 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.~~~~