



MINUTES

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION SUBDIVISION REVIEW SECTION

DESIGN REVIEW COMMITTEE MEETING FEBRUARY 21, 2013 AT OR AFTER 1:30 P. M.

201 North Stone Avenue, Public Works Building,
Conference Room C, (basement floor).

1. CALL TO ORDER: At 1:30 p.m.

2. ROLL CALL:

APPOINTED VOTING MEMBERS:

- (X) Gary Best (Chairman)
- () Stacey Weaks
- (X) Maggie Shaw
- (X) Don Laidlaw
- () Clave Lilien

STAFF VOTING MEMBERS:

- (X) Arlan Colton
- (X) Fran Dostillio
- (X) Wayne Swan

NON-VOTING DEVELOPMENT SERVICES DEPARTMENT STAFF MEMBERS:

- (X) Betty Sanchez, Recording Secretary, Planning Division
- (X) Sue Morman, Senior Planner, Planning Division
- (X) Greg Saxe, Regional Flood Control Department

HOMEOWNERS' ASSOCIATION REPRESENTATIVE VOTING MEMBER(S):

Viewpoint Homeowner's Association is the applicant.

3. PLEDGE OF ALLEGIANCE: Done

4. APPROVAL OF MINUTES: Minutes from November 15, 2012 reviewed and approved. Motion to approve by Arlan Colton; Second by Wayne Swan

CONSENT AGENDA: Staff recommends that the DRC consider each of these requests as a consent item based on applicant agreement with staff recommendations. In the event there are no written objections presented at this meeting from a representative of the local Home Owner Association or from a neighboring property owner, and no request by a member of the DRC to remove the request from the consent agenda; then staff recommends that the DRC consider approving each of these requests that meet the above conditions without first reading the staff report and without deliberation by the DRC.

No Consent Agenda Items

5. HILLSIDE DEVELOPMENT ZONE REVIEW

Co20-13-01 Viewpoint II & III Town Homes

Owner: Viewpoint II & III HOA

Applicant: Roger Olson, HOA Board of Viewpoint II & III
Michael Frank, Frank Civil Consulting
Jeff Behrana, Optimus Civil Design Group

Location: Natural Area Adjacent to Lots 21-27 of Viewpoint II and Lots 75 & 76 of Viewpoint III

Tax Code(s): 109-06-4130 & 109-06-507b

Zoning: Viewpoint II/TR; Viewpoint III/TR &CB-1

Subdivisions: Viewpoint II (Bk 29 @ Pg 005) and Viewpoint III (Bk 29 @Pg 15)

Homeowner’s Association(s): Coronado Foothills HOA was contacted but had no comment or interest in sitting on the DRC as a voting Member for this case.

a) Staff Report: Sue Morman

b) Applicant: Roger Olson, Board Member of the Viewpoint HOA

c) MOTION: Yes No Continue

Prior to the meeting staff distributed a copy of the approved flood plain use permit and a clarifying email from RFCD.

Applicant Presentation: Mr. Olson, Mr. Frank, and Mr. Behrana alternated their presentations before the DRC. Together they did a thorough presentation and explained in detail their application request and why technically it was necessary to engineer the slope as proposed.

Mr. Olson explained that the HOA, because they had title ownership of the natural open space, felt responsible and obligated to attend to the erosion problems and slope undercutting that put these town homes in danger. The HOA explored various solutions to this problem because they wanted to do it the proper way. They hired Michael Frank to lead them through the process. The HOA agreed to spend \$50,000+ to repair the erosion and do the right thing by the community.

Michael Frank explained the process of identifying areas within the subdivision where structures were most at risk due to erosion and undercutting of the embankment. He also noted that many home owners had taken on measures themselves to stabilize the bank with railroad ties and rip-rap. These attempts have not been as effective as they hoped they would be in solving the erosion problems. They worked with the community to design a more reliable and permanent solution. It was important to construct the improvements in the right way and provide the best possible engineered solution. Mr. Frank explained their long process of approval through the County and the series of meetings that it took to come to an understanding of the project and its design complications. Late in the process the County identified that the engineering as proposed would require an HDZ exception. Everyone who visited the site agreed that there was a problem and that an engineering solution was required.

One of the challenges faced for implementing the work was access to the slope. They needed to be able to get in manpower, materials, and equipment into the area safely and efficiently. Due to the vertical steepness of the slope the only solution they could envision was to put in an 8-foot wide access easement midway down the slope so that they could work to the top and bottom.

Mr. Frank noted that it was his understanding that the project was approved by Development Services Permitting and Regional Flood Control District for a Flood Plain Use Permit. Mr. Frank acknowledged that he received a copy of the approved flood plain use permit from staff prior to the beginning of this meeting. The permit and email summary confirmed that flood control has reviewed and approved the proposal and would not be in favor of designing it differently. If the design was revised flood control would need to re-review and approve the plans.

Mr. Frank, in response to staff's suggestion to rip-rap from the top down and leave the bottom of the slope natural, stated that this is absolutely not doable or of technically sound practice. As previously noted in this presentation the proposed solution is the least invasive way to address the erosion

problems that face this community. The community has submitted a re-vegetation mitigation plan which they fully plan to implement and will provide irrigation to these plants as well. The biggest hurdle in construction of this project is the accessibility issue. Mr. Frank was frustrated by his late receipt of the staff report and then its negativity to the proposal when all the community is trying to do is restore the slope back to structural stability. The staff report stated that they haven't received any approvals, when they had gotten all necessary approvals.

Jeff Behrana addressed technical issues facing the community and the implications of the erosion hazards. Once he started designing this project, he realized that it was going to cost a lot of money to stabilize these banks for just a few houses. The slope is almost 1:1 and difficult to stand on let alone dump rip-rap on. The only avenue available is to try to make some kind of an access flat enough so that a back-hoe or a bobcat and laborers can set the stone. The erosion is not happening on the bottom; it is happening on the top and is undermining the slope. They would rather not do the extra grading and just place the rip-rap at the top of the slope but it is not possible, which is why they are constructing something so these homes can be protected.

Planner, Sue Morman, gave a brief summary staff report to follow-up the applicant's presentation to explain staff's recommendation:

Staff has reviewed the topography and believes that the hillside development ordinance does not apply to Lots 75 and 76. Staff requests that they be dismissed from DRC review.

The reason for staff's recommendation is to find a solution to stabilize the slope without rip-rapping the entire hillside. Staff asks if it is feasible to implement bank improvements from the top down approximately one-third of the slope. One of the neighbors has implemented this example and it seems to successfully stabilize the slope. This option would allow preservation of two-thirds of the existing dense hillside vegetation.

Staff is also concerned about the change in view shed for neighbors across the wash and facing the proposed steep, vertical slope rip-rap improvements. Staff presumes that Mr. Olson, of the homeowners association, has contacted these neighbors and prepared them for the proposed construction. The view shed of these homes will change from dense riparian habitat to a steep, rip-rapped slope with scattered vegetation. Staff recommends that plant benches be cut into the slope every ten feet in compliance with the HDZ ordinance and asks that the DRC consider ways to re-vegetate the slope more than what the applicant has proposed in the landscape plan. Vegetation planted in extensive rip-rap such as this has a low survival rate. Also the applicant has not provided planting details showing how the plant materials will be planted within the rip-rap.

Staff explained that this was a fast tracked project that missed the compliance step. The compliance review is the step which allows internal agencies to review and comment on a first submittal. Staff then has the opportunity to work more closely with the applicant to resolve any questions and concerns raised by staff. For this project staff received only the final product on the final completeness due date. Staff reviewed the project for compliance to the HDZ in a short time span with verbal input back and forth from the integral agencies.

The HOA is the applicant. They are supportive of the proposal and recognize that the construction will destroy all of the existing plant material on the slopes.

The neighboring homeowners association was contacted and asked if they would be interested in sitting on the DRC as a voting member. The contact person noted that since the construction was internal and visibly impacted only the Viewpoint subdivisions that they wouldn't be interested on being on the DRC, but said that she would notify the homeowners in their subdivision. No further comments have been received.

Mr. Behrana clarified that indeed the HDZ exception *did* pertain to Lots 75 and 76 and would like them to still be included in the request.

Committee members asked several questions and the applicant answered their questions accordingly.

Mr. Olson shared that the annual HOA meeting was held on Tuesday of this week. He made a presentation of the proposal to the attendees and answered questions as well as he could, understanding that he was not an engineer. The community's response was gratitude that the HOA was taking such interest in their houses and appreciative that the HOA went to such extent to obtain these documents and spend their money in this manner. He has not heard even a hint from the community that they would not like us to deal with this problem. As vice-president of the homeowners association, he expressed that there was widespread support to solve this problem and not jeopardize the homeowners.

Chairman Best asked the Committee for any questions.

Member Laidlaw asked specifically to Pima County staff, why and how the determination was made in light of the fact that the plat, which is a legal document, exempts this subdivision from HDZ restrictions. In not with-standing that, then this plat is HDZ as a matter of policy.

Member Shaw responded to Mr. Laidlaw's question that this note is an administrative note on the annotated development services plat. The referenced note is not on the recorded plat. These notes are on the annotated development services plat to help staff review the grading on the old plats providing guidance to understand ordinances (in this case the HDZ ordinance) in effect at the time of approval. The HDZ ordinance has gone through several changes since then. It is important to understand that these notes in boxes on the plats are administrative notes only. The administrative note on the plat was to allow grading on the ridges without getting an HDZ exception as long as the washes and side slopes were set-aside as natural area.

Mr. Behrana notes that the book and page is on the accessible plat which has this note on it stating that this plat is exempt from the HDZ.

Member Shaw explained once again the plat with this note on it is not the recorded plat. If someone were to go to the recorder's office and ask for the recorded plat, it would not have these administrative notes on it. On the front page of every plat and development plan from Development Services there is a disclaimer that says to be careful of the administrative notes because it is not the recorded version of the document.

Mr. Behrana still does not understand why the note is there then on the plat.

Member Shaw said that the disclaimer is there but it can be misleading as to what the note is referring to.

Chairman Best asked if it is confusing then why is it there?

Member Shaw was not sure why the notes are on the plat except to alert staff about site grading. They are added after the plat is recorded to guide staff for future review purposes, but the notes are not on the recorded plat.

Member Colton explains that the note was put on at the time that the plat was done. HDZ came into effect 1976-1977. This plat was completed in 1978 and there have been at least two significant changes to the HDZ ordinance since then. Staff does not go back, update, and change the

administrative notes effective at the time of plat review to reflect new reviews. Whatever changes are proposed is subject to whatever ordinance is in effect at the time.

Mr. Frank responded that this question came up during the time of decision if this plat was subject to or not subject to the HDZ ordinance. Planning staff explained that the reason that the HDZ ordinance applies today is because these slopes were ungraded and were left pristine. Now that new grading is proposed the HDZ ordinance of today applies to the disturbance. Mr. Behrana notes that this was an interpretation by planning staff. He differs with the interpretation because the site was mass graded and there was no doubt of some disturbance of the slope at the time of grading.

Member Colton expresses that he does remember when these town homes were built there may have been spillover and cut into the slopes during the time of construction but the intent was to leave the slopes natural.

Member Colton explains that if there is a discrepancy due to an interpretation of the code, then the proper channel to obtain decision about this discrepancy is to make an appeal before the Board of Adjustment. What happened back then at this point shouldn't be the issue. The DRC has a case before it and he would like to continue to review this project on the merits of the application and review as presented.

Chairman Best noted that there is a lot of concern about the process but doesn't understand what the actual issue is. There is a consensus that something needs to be done. There is a problem with the project. Homeowners may be in danger due to erosion. Something needs to be done about the erosion so why are we discussing the process rather than the remediation? Mr. Colton responded that there is frustration but they should refocus and look back to the staff report at the exception requests. In review of them the exception requests are appropriately before the DRC.

Member Laidlaw notes that he has not received the staff report.

Member Laidlaw would like to make a motion to approve the applicant's request for Co20-13-02 absent the staff report. Given the runaround that these people have been through, with no written replies from staff as to what qualifies this as an HDZ project (which may be valid); with all the contacts, meetings, time delays, and cost expenditures that this applicant has been through; the fact that the governing homeowners are on board with this project; and the fact that flood control district has approved the design as presented, he doesn't think the DRC should be concerned with the micro-aesthetics of the project but about the structural integrity. He takes the engineer's stamp as a guarantor for that, therefore, Member Laidlaw makes a motion to approve the applicant's application as presented. Chairman Best calls for a second.

Before making a second, Member Swan has questions for the engineer. The space between Lot 22 & 23 appears to be about 14-16 feet wide with close proximity to Camino Alta. He doesn't know by looking at it if it could serve as a delivery system. The homeowner in Lot 24 did rip-rap stabilization from the top down and it is apparently successful because it is remaining in the design. He is wondering if additional work could succeed in using what appears to be an easement as access without having to build a road along the length of this scarf.

Mr. Behrana responds that he is not sure if there is a clear zone between Lots 22 & 23 as he had not looked at this at all. However, regarding the existing rip rap behind Lot 24, there is washing underneath it. There is a cavity under the existing rip-rap. The proposed design will armor the existing rip-rap along the edges so that it doesn't leak. This will be repaired with the new construction. The rip-rap is still there but it is floating. Member Swan continues asking if there was any consideration given to using injection stabilization. Mr. Behrana responded that these methods were discussed but it just wasn't practical to mobilize the required equipment and labor on the very steep slope. Mr. Frank acknowledged the access required for a grout injector would be greater than

the proposed 8-foot access. Mr. Behrana noted that the possibility of no rip-rip on the downward slope was explored and it was determined that the slope was just too steep to not be protected.

Member Swan said that with that response he would second the motion.

Member Shaw asked to continue the discussion.

Member Shaw asked the applicant if the landscape plan presented in the booklet was the proposed re-vegetation plan. Mr. Frank confirmed that the landscape plan from the booklet was the re-vegetation plan proposed in the lower portion of the rip-rapped slope. Member Shaw asked what is planned for the access? Could it be re-vegetated? Plants in rip-rip plant pockets do not flourish very well. Mr. Frank said that the landscape architect said that with irrigation for one year the plants would thrive just fine.

Member Shaw said that she realizes that plant pockets in the rip-rip in theory work but it gets really hot in the rip rap and plants just don't do well. Plant survival in rip-rip is questionable which is why it is recommended that landscaping be at the toe of the slope or in the proposed access area. Will some of the existing vegetation at the toe of the slope cover some of the rip-rip. Mr. Frank states that there is very little vegetation at the bottom of the slope. Mr. Behrana notes that there isn't that much vegetation at the bottom of the slope because it is getting close to the wash. Member Shaw responded that she was trying to tell in the photos if there was any vegetation at the bottom of the slope which covers any of the rip-rip. Mr. Olson noted that the bottom of the wash is relatively level and sandy. The vegetation has been established over 35 years to grow in a natural way.

Mr. Frank showed photographs to Member Shaw and other members of the Committee.

Mr. Frank responded that they are leaving the access in place for a very specific reason. Over the years the community has not been able to do anything to stabilize these slopes because they didn't have access to maintain it. Why would they want to remove the access when it may be needed for future maintenance repairs? Providing this access allows the community the ability to provide ongoing maintenance as the years progress.

Member Shaw: Is the access dirt? She wondered if there is a way to plant vegetation on the access but not block off accessibility. However, it doesn't look like there is a way to do this. Mr. Behrana responded that it probably won't remain as dirt but will be treated with DG or something similar. Member Shaw responded that would probably be good to consider.

Member Dostillio noted that since there would be a fair amount of vegetation removed he heard that irrigation was planned but wondered what the HOA's commitment is to establish the vegetation. One year of irrigation may be fine but is there a maintenance plan and plant replacement plan over time? As he sees it, the goal of the proposed vegetation is to buffer and lessen the impact of the rather tall, rip-rip slope. Mr. Olson commented that a maintenance plan has not been developed yet at this time. Member Dostillio said for example: if there are seven trees shown on one lot then he would assume that five years from now there would be seven trees in a growing condition on that lot. Mr. Olson notes that the HOA spends a lot of money on their trees. They just spent \$9,000 to trim and enhance trees in the subdivision. Over the years the Community has spent a lot of money on their trees and does not like to lose trees.

Member Dostillio does have some reservations about the amount of hillside being disturbed. However, he recognizes that several professionals are involved in planning this design and the proposal does appear to be the wish of the local HOA. Mr. Olson commented that they are the ones who have to look at the slope and they are concerned about how it looks as well. But, the HOA has a fiduciary responsibility to each and every homeowner. If they fail to act and the house on Lot 27's foundation is broken up and the yard slides down the slope, then it seems that this is number one

priority. They want to do everything right and they want it to look good when it is done, but their number one motivation is to protect these homes.

Chairman Best called to the audience for any comments.

None, then Supervisor Ally Miller was recognized to speak. She expressed her support of the project and hoped that it would get resolved today. Chairman Best thanked Supervisor Miller for being here.

Member Colton asked if there was a motion to second and if so that he has a friendly amendment as follows: He concurs with the motion after reviewing the request. It may not have been his first choice but he understands the engineering situation and knows that it's the Association members that will be looking at the rip-rap slope. His amendments have to do with landscaping. It is the Association that has to deal with the improvements and as long as the Riparian area and the stay-out-of area are respected, he has no problem with this.

There was an earlier reference to possibly putting decomposed granite on the road or easement. Member Colton doesn't like the way it was accessed but request that the access be covered in decomposed granite or some kind of surfacing that will withstand stability rather than rolling down the hill. That is number one. Number 2 is the suggestion that the access entrances off the streets have emergency bollards or something to that effect so that they don't become used as a right-of-way. Walking on the path is not so much an issue but kids with bikes etc. should be cautioned against using the path. The third amendment is, if no conditions are considered from the staff report, a condition (in addition to the other two) that irrigation be supplied for at least a year. A richer plant palette would have been preferred, more in keeping with the vegetation currently there, but given everything else that has gone on in the meeting so far he would recommend it but would not make it a condition.

Member Laidlaw as the maker of the Motion concurred with those conditions.

Staff asked to clarify that the decomposed granite be compacted otherwise it may slide down the slope. Member Colton agreed that he meant the compacted, decomposed granite.

Member Swan seconded the amended Motion.

Mr. Olson commented that he thought that these conditions are acceptable to the HOA.

Chairman Best asked if there were any other questions or comments that had not been resolved regarding this matter.

Member Dostillio, just to clarify the Motion, said that the Motion was to approve the project as presented rather than the alternatives as listed in the staff report with the three friendly amendments. Clarification accepted.

MOTION AND VOTE:

The Design Review Committee (DRC) voted unanimously 6-0 to approve the motion made by Member Laidlaw and seconded by Member Swan to approve Co20-13-02, per the application request.

The motion was approved with Member Colton's friendly amendment of the following DRC conditions:

- 1. Accesses shall be finished with compacted, decomposed granite.**
- 2. Emergency bollards shall be placed at all entries and exits of the accesses.**
- 3. Irrigation shall be implemented for one-year to establish plants.**

NEW BUSINESS:

Chairman Best asked if there was any other business to come before the Committee.

The recording Secretary commented that there was no new official business.

Member Dostillio noted that this was his last DRC meeting as he would be retiring from Pima County and the Committee should be prepared to welcome a new member who will be his replacement. The new member will be Thomas Drzazgowski. Best regards and wishes for a happy time were conveyed to Fran. In response Fran stated that he will be having even more fun than he is having now. He said that it was a pleasure to serve on the Committee with the current members as well as members in the past. Arlan Colton said that Fran has been the longest serving member on the DRC.

ADJOURNMENT:

The DRC meets on the third Thursday of every month. The next meeting is tentatively scheduled at 1:30 p.m. on March 21, 2013 in the Public Works Building, basement level, Conference Room "C".

Minutes submitted by: Betty Sanchez, Recording Secretary. Meeting audio tapes may be made available for additional information not included in the minutes.

NOTE TO HOMEOWNERS' ASSOCIATIONS AND HISTORICAL DISTRICT ADVISORY BOARDS:
All Homeowners' Associations (HOA) and Historic District Advisory Boards on file that are affected (within officially mapped HOA boundaries) by certain DRC projects are notified by the Pima County Planning Division of the Development Services Department as to the project's purpose, and the date, time and place of the meeting. If more than one HOA or Advisory Board is involved, it shall be the responsibility of the several groups to decide among themselves which Association or Board shall have the vote, and to inform this Department in writing of their decision at or prior to the Design Review Committee Design Review Committee (DRC) meeting.