



MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Chairman and Members, Pima County Planning and Zoning Commission

FROM: Chris Poirier, Executive Secretary

RE: Pima County Planning and Zoning Commission Hearing of **FEBRUARY 27, 2019**

DATE: March 15, 2019

This abstract is subject to editing and amending. Please let us know promptly if you believe there are any omissions or corrections; otherwise, we will proceed on this basis.

Chris Poirier, Executive Secretary

The meeting was called to order at 9:05 a.m. at Pima County Administration Building Board of Supervisors Hearing Room, 130 W. Congress St., 1st Floor, Tucson, AZ

1) **ROLL CALL:**

PRESENT

- D1 Jodi Bain
- D1 Brad Johns, Chair
- D2 Barbara Becker, Vice-Chair
- D3 Tom Tronsdal
- D4 William Matter
- D5 Bob Cook
- D5 Bruce Gungle

ABSENT

- D2 Armando Membrila
- D3 Ryan Maese
- D4 David Hook

SEVEN MEMBERS PRESENT

ALSO PRESENT

- Chris Poirier, Planning Official
- Tom Drzazgowski, Chief Zoning Official
- Terrill Tillman, Principal Planner
- David Petersen, Senior Planner

- Joseph Godoy, Site Review Project Mgr.
- Greg Saxe, Environmental Plan. Mgr., RFCD
- Angie Rangel, Commission Coordinator

2) **PLEDGE OF ALLEGIANCE**

3) **CONSENT AGENDA (UNADVERTISED PUBLIC HEARING)**

MONTHLY REPORTS TO THE P/Z COMMISSION

Monthly reports from Development Services Department for enterprise fund, total fees collected, services activity report and permits issued and from the planning division for total fees collected and services activity report.

ON MOTION, it was

Voted to **REVIEW** the January 30, 2019 Meeting Summary at the next meeting.

The motion **PASSED** 7 – 0 (Commissioners Hook, Maese, and Membrila were absent).

4) **CALL TO THE AUDIENCE**

No one spoke.

5) **P18RZ00011 ROBERT AND MICHELLE HARBOUR LIVING TRUST, ET. AL. - N. LA CHOLLA BOULEVARD REZONING**

Request of Robert and Michelle Harbour Living Trust, et. al. represented by Projects International, Inc., for a **rezoning** of approximately 50.7 acres from SR (Suburban Ranch) to the CR-5 (Multiple Residence) zone, parcel codes 225-04-002A, 225-04-002C, 225-04-003P and 225-04-008B, located at the northwest intersection of W. Overton Road and N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2 and Medium Low Intensity Urban.

(District 1)

ON MOTION, it was

Voted to **CONTINUE THE CASE TO THE APRIL MEETING.**

The motion **PASSED** 7 – 0 (Commissioners Hook, Maese, and Membrila were absent).

6) **P18RZ00012 ROBERT LEE BOYKIN - N. CAMINO DE OESTE REZONING**

Request of the Robert Lee Boykin Estate, represented by Projects International, Inc., for a **rezoning** of approximately 9.7 acres from SR (Suburban Ranch) to the CR-4 (Mixed-Dwelling Type) zone, parcel code 221-35-0010, located at the southwest corner of W. Pima Farms Road and N. Camino de Oeste. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. (District 1)

ON MOTION, it was

Voted to recommend **APPROVAL SUBJECT TO SPECIAL AND STANDARD CONDITIONS** as follows:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation condition: During the subdivision platting process, five (5) feet of right-of-way shall be dedicated along the eastern property line (adjacent to Camino De Oeste).
3. Regional Flood Control District condition: At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

4. Regional Wastewater Reclamation Department conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) 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(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) 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(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the 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(s) 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(s) 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.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. 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.
6. Cultural Resources condition: Archaeological testing/data recovery plan and mitigation is needed.
7. Adherence to the preliminary development plan as approved at public hearing.
8. 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.
9. The property owner shall execute the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The motion **PASSED** 7 – 0 (Commissioners Hook, Maese, and Membrila were absent).

7) **P19RZ00001 DESROSIERS – W. CREDA STREET REZONING**

Request of Norman DesRosiers, represented by Physical Resources Engineering, Inc., for a **rezoning** of approximately 5.03 acres from the SR (Suburban Ranch) zone to the CR-1 (Single Residence) zone, on property located at the northwest corner of the intersection of W. Creda Street and S. Selkirk Avenue (alignment), approximately 286 feet east of Calgary Avenue and 633 feet south of Bopp Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 3.0. (District 3)

ON MOTION, it was

Voted to recommend **DENIAL**.

The motion **PASSED** 5 – 2 (Commissioners Becker and Johns voted Nay; Commissioner Bain abstained; Commissioners Hook, Maese, and Membrila were absent).

NON-HEARING

INITIATION OF ZONING CODE TEXT AMENDMENT

8) **REGULATIONS ON INDUSTRIAL HEMP CULTIVATION**

TIMOTHY A. LA SOTA PLC, REPRESENTING AMADO MANAGEMENT LLC, REQUESTS THAT THE PLANNING AND ZONING COMMISSION AUTHORIZE AND INITIATE THE PROCESS OF AMENDING THE PIMA COUNTY ZONING CODE TO ADD REGULATIONS FOR THE CULTIVATION OF INDUSTRIAL HEMP INCLUDING A MINIMUM TEN MILE SETBACK FROM ANY EXISTING MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION TO HELP PREVENT CROSS-POLLINATION BY CROPS. THE TEXT AMENDMENT REVISIONS MAY INCLUDE DEFINITIONS, DEVELOPMENT STANDARDS IN SPECIFIC ZONES, AND ADDITIONAL REVISIONS AS DETERMINED NECESSARY. SECTION 18.01.070(B)(1) (CODE AMENDMENT PROCEDURES) OF THE PIMA COUNTY ZONING CODE STATES THE COMMISSION MAY HEAR REQUESTS FOR TEXT AMENDMENTS FROM PRIVATE INDIVIDUALS WHO HAVE SUBMITTED EVIDENCE THAT PUBLIC BENEFIT WOULD RESULT FROM SUCH AMENDMENT. (ALL DISTRICTS)

MOTION was made to Approval the Initiation,

The motion **FAILED** 2 – 4 (Commissioners Bain, Gungle, Matter, and Becker voted NAY; Commissioners Hook, Maese, and Membrila were absent).

9) **NEW BUSINESS**

A) Board of Supervisors disposition of cases.
Tom Drzazgowski presented.

10) **ADJOURNMENT**

Meeting was adjourned at 11:52 p.m.