



---

# 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 **January 27, 2016**  
DATE: January 29, 2016  
\*\*\*\*\*

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 9:00 a.m. at Pima County Administration Building Board of Supervisors Hearing Room, 130 W. Congress St., 1<sup>st</sup> Floor, Tucson, AZ

1) **ROLL CALL:**

**PRESENT**

D5 Jenny Neeley, Chair  
D4 Eddie Peabody, Jr., Vice-Chair  
D4 William Matter  
D2 Armando Membrilla  
D3 Lynne Mangold  
D1 Brad Johns  
D3 Peter Gavin

**ABSENT**

D2 Randall R. Holdridge  
D1 Jodi Bain  
D5 Bob Cook

**SEVEN MEMBERS PRESENT**

**ALSO PRESENT**

Chris Poirier, Interim Planning Director  
Mark Holden, Principal Planner  
Janet Emel, Senior Planner  
David Petersen, Senior Planner  
Elva Pedregò, Senior Planner  
Artemio Hoyos, Planner  
Celia Turner, Coordinator

Jeanette DeRenne, Principal Planner, DOT  
Greg Saxe, Environmental Plan. Mgr., RFCD

- 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 **APPROVE** November 25, 2015 checklist and the Consent Agenda.

The motion **PASSED** (7 – 0; Commissioners Holdridge, Bain and Cook were absent).

- 4) **CALL TO THE AUDIENCE**  
No one spoke.

**REZONING CONTINUED FROM OCTOBER 28, 2015 P&Z**

- 5) **Co9-15-05 JT RP LLC – EAST EAGLE FEATHER ROAD (EASEMENT) REZONING**  
Request by **JT RP LLC**, represented by **Kathy Gormally**, for a rezoning of approximately 3.81 acres from SR (Suburban Ranch) Zone to CR-1 (Single Residence) Zone on property located approximately 800' east of Bear Canyon Road on the south side of East Eagle Feather Road (Easement). The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). (District 4)

ON FIRST MOTION, it was to **DENY**.

A substitute motion was made and accepted to **CONTINUE** until June 29, 2016.

ON SUBSTITUTE MOTION, it was

Voted: To **CONTINUE** until June 29, 2016

The motion **PASSED** (4 – 3; Commissioners Matter, Mangold and Peabody voted **NAY**; Commissioners Holdridge, Bain and Cook were absent).

**REZONINGS FOR PUBLIC HEARING:**

- 6) **Co9-15-06 JUSTINS RV PARK & WATER WORLD, LLC – S. SAN JOAQUIN ROAD REZONING #2**  
Request of **Justins RV Park & Water World, LLC**, represented by **Norris Design**, for a rezoning of approximately 25.22 acres from the TH (BZ) (Trailer Homesite – Buffer Overlay) zone and the GR-1 (BZ) (Rural Residential – Buffer Overlay) zone to the TH (BZ) (Trailer Homesite – Buffer Overlay) zone, on property located on the north side of S. San Joaquin Road approximately 1,000 feet northwest of the intersection of W. Bopp Road and S. San Joaquin Road. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-13-10. (District 3)

ON MOTION, it was

Voted: To **APPROVE** subject to standard and special conditions with the revision requested by staff to replace "lots" in Condition #12 with "spaces".

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 the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. Adherence to the preliminary development plan as approved at public hearing subject to modifications as necessary to meet county ordinances and rezoning conditions including conditions numbered 12 and 13.
6. Transportation condition: The property shall be limited to one access point as shown on the preliminary development plan.
7. Flood Control conditions:
  - A. An updated Drainage Report conforming to current requirements shall be submitted with the Development Plan. Based on this information, modifications to the existing improvements as shown PDP may be required.
  - B. Post development floodplains, Erosion Hazard Setbacks and Pima County Regulated Riparian Habitat shall be contained in permanently identified open space through easement or dedication.
  - C. 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 shall be submitted to the District for review and approval with the Development Plan.
8. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
9. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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. 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.

10. 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(I)."
11. 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.
12. The seven lots in the northeast portion of the subject site as shown on the preliminary development plan shall be removed, revegetated with native vegetation according to the Buffer Overlay zone (BZ) plant list, and maintained as natural open space contiguous with the proposed natural open space in the north/northwest portion of the site.
13. A maximum of 205 RV park spaces shall be allowed.

The motion **PASSED** (7 – 0; Commissioners Holdridge, Bain and Cook were absent).

**7) P15RZ00010 INTERSTATE 10/VALENCIA PROPERTIES LLC – E. VALENCIA ROAD REZONING**

County-initiated rezoning of approximately 46 acres from the CR-3/AE (Single Residence/Airport Environs and Facilities) zone to the CI-1/AE (Light Industrial-Warehousing/Airport Environs and Facilities) zone, on property located on the northwest side of Valencia Road, approximately 2,000 feet southwest of the Valencia Road and Craycroft Road intersection. The proposed rezoning conforms to the Pima County Comprehensive Plan (Pima Prospers) which designates the property for an Industrial (I) land use. (District 2)

ON MOTION, it was

Voted: To **APPROVE** subject to standard and special conditions.

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 the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. 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(I)."
  6. 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.

The motion **PASSED** (7 – 0; Commissioners Holdridge, Bain and Cook were absent).

**8) P15RZ00011 NANBARRY INVESTMENT PROFIT SHARING PLAN – E. ROCKET ROAD REZONING**

County-initiated rezoning of approximately 35.04 acres from the GR-1/AE (Rural Residential/Airport Environs and Facilities) zone to the CI-2/AE (General Industrial/Airport Environs and Facilities) zone, on property located on the north side of Rocket Road, approximately 2,000 feet west of the Rocket Road and Freeman Road intersection. The proposed rezoning conforms to the Pima County Comprehensive Plan (Pima Prospers) which designates the property for a Military/Airport (MA) land use. (District 4)

ON MOTION, it was

Voted: To **APPROVE** subject to standard and special conditions:

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 the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. 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(I)."
6. 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.

7. Cultural Resources conditions:
  - A. All work must be within the area as shown on the proposed project maps and plans in the submitted documentation, and
  - B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

The motion **PASSED** (7 – 0; Commissioners Holdridge, Bain and Cook were absent).

**9) P15RZ00012 STATE OF ARIZONA – E. LOS REALES ROAD REZONING**

County-initiated rezoning of approximately 41 acres from the CR-3 (Single Residence) zone to the CI-1 (Light Industrial-Warehousing) zone, on a portion of property located on the northwest corner of Los Reales Road and Swan Road. The proposed rezoning conforms to the Pima County Comprehensive Plan (Pima Prospers) which designates the property for an Industrial (I) land use. (District 2)

ON MOTION, case was **WITHDRAWN**.

**10) P15RZ00013 STATE OF ARIZONA – E. OLD VAIL CONNECTION ROAD REZONING**

County-initiated rezoning of approximately 35.69 acres from the GR-1/AE (Rural Residential/Airport Environs and Facilities) zone to the CI-2/AE (General Industrial/Airport Environs and Facilities) zone, on property located on the northeast corner of Old Vail Connection Road and Houghton Road. The proposed rezoning conforms to the Pima County Comprehensive Plan (Pima Prospers) which designates the property for a Military/Airport (MA) land use. (District 4)

ON MOTION, it was

Voted: To **APPROVE** subject to standard and special conditions.

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 the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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..
5. 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(I)."
  6. 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.
  7. Cultural Resources conditions:
    - A. All work must be within the area as shown on the proposed project maps and plans in the submitted documentation.
    - B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

The motion **PASSED** (7 – 0; Commissioners Holdridge, Bain and Cook were absent).

### **MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

#### **11) Co9-78-32 MATYI – SWAN ROAD REZONING**

Request of **River and Swan Homes, LLC**, represented by **SBBL Architecture & Planning, LLC**, for a modification (substantial change) of the following rezoning conditions:

- #1A which requires that no more than three parcels be created. The applicant requests to waive the condition and proposes four parcels.
- #1B which requires that each parcel be a minimum of 43,560 square feet, exclusive of easements, rights-of-way, etc. The applicant requests to waive this requirement and proposes parcels in excess of 43,560 square feet, inclusive of easements.

The subject site is 4.55 acres zoned CR-1 and is located on the west side of Swan Road approximately one-fourth mile north of River Road. (District 1)

ON MOTION, it was

Voted: To **APPROVE** subject to standard and special conditions as follows:

1. ~~Wastewater Management~~ Environmental Quality conditions:

- A. ~~Covenant that no more than three parcels shall be created.~~ The owner/developer must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems on the subject property at the time a request for a building permit is submitted for review.
  - B. ~~Covenant that each parcel shall be a minimum size of 43,560 square feet, exclusive of easements, rights-of-way, etc.~~ All proposed residential parcels must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
  - C. ~~Covenant that if individual sewage disposal systems are utilized, then~~ percolation tests and soil boring requirements must be satisfied prior to the issuance of a building permit.
  - D. Parcels shall be of sufficient size and designed in such a manner to accommodate the proposed development, primary and reserve leach fields and septic tanks, while meeting all applicable setbacks for on-site sewage disposal.
2. Transportation and Flood Control District conditions:
    - A. ~~Prior to the issuance of building permits, covenant to provide necessary rights-of-way for roads and drainage.~~
    - B. ~~Prior to the issuance of building permits, covenant to improve and pave adjacent streets and roads.~~ The common driveway/roadway shall be paved (chip sealed) within six (6) months of the issuance of building permits.
    - C. ~~Prior to the issuance of building permits, record the necessary covenants in conjunction with the approval of a development plan.~~ Floodplain and Pima County Regulated Riparian Habitat mitigation areas shall be contained in permanently identified open space through easement or dedication.
    - D. ~~Prior to the issuance of building permits, covenant that~~ There shall be no further subdividing or lot splitting of residential development without the written approval of the Board of Supervisors.
  3. Submittal of a complete hydrologic and hydraulic drainage report.
  4. Recording of a covenant holding Pima County harmless in the event of flooding.
  5. Adherence to Pima County Flood Plain Management Ordinance and/or Hillside Development Zone Ordinance, if applicable.
  6. ~~Paving obligations for Swan Road must be met.~~ 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.
  7. Adherence to the revised sketch plan as approved at public hearing (EXHIBIT B).

8. Building heights are restricted to a maximum of 24 feet.
9. All utility lines, including electric utility lines servicing individual parcels, shall be located underground.
10. In the event the subject property is annexed, the property owner shall adhere to all applicable zoning 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.
11. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The motion **PASSED** (7 – 0; Commissioners Holdridge, Bain and Cook were absent).

**CODE TEXT AMENDMENT CONTINUED FROM OCTOBER 28, 2015 P&Z**

**12) Co8-15-02 WALLS, FENCES AND HOME OCCUPATIONS**

Proposal to amend by ordinance the Pima County Zoning Code Title 18, Section 18.03 to revise the definition of a "structure" to exempt walls and fences with a height of 84 inches or less from permit requirements, and to amend Section 18.09 General Residential and Rural Zoning Provisions to revise the Home Occupations section to comply with the Arizona State Statutes §11-820 and to include additional reasonable operating requirements for Home Occupations. (All districts)

ON MOTION, it was

Voted: To **APPROVE** as presented by staff.

The motion **PASSED** (7 – 0; Commissioners Holdridge, Bain and Cook were absent).

**13) NEW BUSINESS**

A) Board of Supervisors disposition of cases.

Chris Poirier, Interim Planning Director, provided disposition of cases.

**14) ADJOURNMENT**

Meeting was adjourned at 11.22 a.m. on motion by Commissioner Neeley.