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# MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

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TO: Chairman and Members, Pima County Planning and Zoning Commission  
FROM: Arlan Colton, Executive Secretary  
RE: Pima County Planning and Zoning Commission Hearing of **July 29, 2015**  
DATE: July 31, 2015

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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.

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Arlan Colton, 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**

Eddie Peabody, Jr., Vice-Chair  
Jenny Neeley, Chair  
Bonnie Poulos  
Randall R. Holdridge  
Armando Membriila  
Bob Cook  
Brad Johns

**ABSENT**

Lynne Mangold  
Jodi Bain  
William Matter

**SEVEN MEMBERS PRESENT**

**ALSO PRESENT**

Arlan Colton, Planning Director  
Chris Poirier, Assistant Planning Director  
Mark Holden, Principal Planner  
Tom Drzazgowski, Deputy Chief Zoning Inspector  
Jeanette DeRenne, Principal Planner, DOT  
Jim Portner, Consultant  
Celia Turner, Coordinator  
Greg Saxe, Environmental Plan. Mgr., RFCD  
Sherry Ruther, Environmental Planning Manager

- 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** May 27, 2015 checklist and the Consent Agenda.

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

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

**TYPE III CONDITIONAL USE PERMITS FOR PUBLIC HEARING**

- 5) **P21-15-015 OAK TREE LAND & CATTLE CO LLC – S. SONOITA HY.** Request of Wavelength Management (for APC Towers), on property located at 25725 S. Sonoita Hy. (Taxcode 401-16-001C), in the **RH Zone**, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. (District 4)

ON MOTION, it was

Voted: To DENY.

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

- 6) **Co9-15-02 PRF3, LLC – W. BRIAR ROSE LANE REZONING**  
Request of **PRF3, LLC**, represented by **MJM Consulting, Inc.**, for a rezoning of approximately 9.79 acres from the SR (Suburban Ranch) zone to the CR-4 (Mixed-Dwelling Type) zone, on property located west of W. Briar Rose Lane, on the north side of the W. Freer Drive alignment, approximately 1,200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard. 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 **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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Transportation conditions:
  - A. The property shall be served by one access point built at Briar Road Lane as shown on the preliminary development plan.
  - B. Briar Road Lane shall be constructed to Pima County Standards and shall match the existing right-of-way in the adjoining subdivision.
7. Flood Control conditions:
  - A. Native riparian vegetation shall be used to enhance drainage improvements.
  - B. First flush retention (retention of the first ½ inch of rainfall) shall be provided.
  - C. Post development floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
8. 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.

9. Environmental Planning conditions:
- A. Native vegetation (riparian and upland species) shall be used to enhance natural open space areas and other common areas as shown on the preliminary development plan.
  - B. Prior to the approval of the final plat, the property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 5.3 acres as Natural Open Space at an off-site location which fulfills the following criteria and is approved by Pima County Planning Director or their designee:
    - 1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel;
    - 2) Using the following criteria, the off-site mitigation property shall provide at least the same resource value as the rezoned parcel:
      - a. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
      - b. Vegetation community type (s);
      - c. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
      - d. Surface water or unique landforms such as rock outcrops;
      - e. Contribution to landscape connectivity; and
    - 3) Provision of evidence that the site shall remain in an undeveloped natural state.
  - C. 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. 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

10. Adherence to the preliminary development plan as approved at public hearing.
11. 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)."
13. 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.  
All saguaros 14 feet in height or less and all ironwood trees meeting the transplanting criteria of the Zoning Code Chapter 18.72 Native Plant Preservation Ordinance and the Native Plant Preservation Manual shall be preserved in place or salvaged and transplanted on-site where practicable. For saguaros and ironwood trees that cannot be transplanted on-site, at the time of grading the property owner/developer shall move and plant a maximum of 10 saguaros and move 10 ironwood trees to Arthur Pack Regional Park or some other location within close proximity (no greater than 1.5 miles) of the subject property as approved by Pima County. Pima County will consult with the property owner/developer and the Coalition for Sonoran Desert Protection on the determination of the location of the off-site movement of saguaros and ironwood trees. Off-site movements of saguaros and ironwood trees shall not occur prior to approval of the Native Plant Preservation Plan.
15. The property owner/developer shall move a maximum of 10 palo verde trees at the time of grading to Arthur Pack Regional Park or some other location within close proximity (no greater than 1.5 miles) of the subject property as approved by Pima County. Pima County will consult with the property owner/developer and the Coalition for Sonoran Desert Protection on the determination of the location of the off-site palo verde tree movements. Off-site movements of palo verde trees shall not occur prior to approval of the Native Plant Preservation Plan.
16. Prior to grading of the site, the property owner/developer shall provide written notification to and sufficient time for Tucson Audubon Society and Tucson Cactus and Succulent Society to salvage vegetation on-site that is not identified for preservation or transplanting on the Native Plant Preservation Plan. Pima County shall be copied on the written notification(s).

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

**CODE TEXT AMENDMENT FOR INITIATION**

7) **INITIATION OF ZONING CODE TEXT AMENDMENT – MEDICAL MARIJUANA DISPENSARY AND MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION.**

Staff requests that the Planning and Zoning Commission authorize and initiate a revision to the Pima County Zoning Code to revise the prohibited locations sections to allow medical marijuana dispensaries and medical marijuana dispensary offsite cultivation locations in the Gateway and Buffer Overlay zones. Section 18.01.070B1 of the Pima County Zoning Code states the board of supervisors or the planning and zoning commission is responsible for the initiation of code amendments, and may hear requests for the same from private individuals who have submitted evidence that public benefit would result from such amendments.

ON MOTION, it was

Voted: To APPROVE the request to initiate the Zoning Code Text Amendment.

(7 – 0; Commissioners Mangold, Bain and Matter were absent).

**CODE TEXT AMENDMENT FOR PUBLIC HEARING (INITIATED)**

8) **Co8-15-01 MEDICAL MARIJUANA DISPENSARY AND MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION.**

Proposal to amend by ordinance the Pima County Zoning Code Title 18, Section 18.45.040 to revise the prohibited locations sections to allow medical marijuana dispensaries and medical marijuana dispensary offsite cultivation locations in the Gateway and Buffer Overlay zones. (All districts)

ON MOTION, it was

Voted: To APPROVE as proposed by staff.

(7 – 0; Commissioners Mangold, Bain and Matter were absent).

**2015 COMPREHENSIVE PLAN AMENDMENT PROGRAM**  
**(NOT A PUBLIC HEARING)**

9) **Co7-15-01 MAGEE COMO DEVELOPMENT ASSOCIATION, LLC - N. LA CHOLLA BOULEVARD PLAN AMENDMENT**

Request of **Magee Como Development Association, LLC** to amend the Pima County Comprehensive Plan from Medium High Intensity Urban (MHIU) (Medium Intensity Urban (MIU) in the Pima Prospers 2015 Comprehensive Plan Update) to Neighborhood Activity Center (NAC) for approximately 0.88 acres located on the north side of W. Magee Road, west of N. La Cholla Boulevard, in Section 33, Township 12 South, Range 13 East, in the Northwest Subregion (Tortolita Planning Area in the 2015 Comprehensive Plan Update). (District 1)

ON MOTION, it was

Voted: To APPROVE as proposed by staff to be heard on August 26, 2015 Planning and Zoning Commission meeting.

(7 – 0; Commissioners Mangold, Bain and Matter were absent).

7) **NEW BUSINESS**

A) Board of Supervisors disposition of cases.

The Commissioners moved to continue the disposition of cases until August 26, 2015.

8) **ADJOURNMENT**

Meeting was adjourned at 11:23 a.m. on motion by Commissioner Neeley, seconded by Commissioner Poulos.