



# MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

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

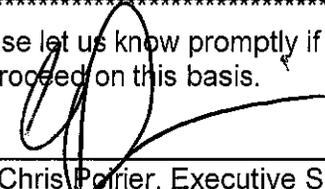
FROM: Chris Poirier, Executive Secretary

RE: Pima County Planning and Zoning Commission Hearing of **OCTOBER 26, 2016**

DATE: OCTOBER 31, 2016

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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.



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**

**ABSENT**

- D4 Eddie Peabody, Jr., Chair
- D1 Brad Johns, Vice-Chair
- D4 William Matter
- D2 Armando Membriola
- D5 Bob Cook
- D1 Jodi Bain
- D5 Bruce Gungle
- D2 Barbara Becker

- D3 Lynne Mangold
- D3 Peter Gavin

**EIGHT MEMBERS PRESENT**

**ALSO PRESENT**

- Chris Poirier, Planning Official
- Mark Holden, Principal Planner
- David Petersen, Senior Planner
- Janet Emel, Senior 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** September 28, 2016 checklist and consent agenda as well.

The motion **PASSED** (8 – 0; Commissioners Mangold and Gavin were absent)

4) **CALL TO THE AUDIENCE**

No one spoke.

**MODIFICATION (SUBSTANTIAL CHANGE) OF SPECIFIC PLAN**

5) **Co23-04-01 SWAN SOUTHLANDS SPECIFIC PLAN**

Request of **South Wilmot Land Investors, LLC**, represented by **LVA Urban Design Studio, LLC**, for a Modification (Substantial Changes and Non-substantial Changes) of certain features of the Swan Southlands Specific Plan. The modification of these features of the specific plan will, at a minimum, require modification (Substantial and Non-substantial Changes) of rezoning condition #'s 6, 8, 10, 12, 15(A – F), 16(A – I), 18(B), 18(D), 18(H)(3), 21, 22, and 24(A-B) of Ordinance 2005-2 as modified by Resolution 2011-38.

The requested Modification of the features of the Specific Plan includes:

1. Waiver of acreage and floor area limits for non-residential (commercial and industrial) uses.
2. Addition of a Non-Residential/Employment Uses Option allowing the options of the CB-2 (General Business), CI-1 (Light Industrial/Warehousing), and CI-2 (General Industrial) zones with uses and standards for these zones as provided per the Pima County Zoning Code and including additional minimum performance and development standards.
3. Addition of a formula for reductions to the minimum and maximum residential unit count exchanged for Non-Residential/Employment Uses in excess of 271 acres, while maintaining a minimum of 1,000 residential units.
4. Deletion of "Identity Districts", which are sub-areas of the Specific Plan containing multiple sub-district development parcels. Specific requirements and conditions for each identity district would be waived, including the requirement for a block subdivision plat for each development parcel.
5. Modification of the approved preliminary development plan to allow:
  - a. Deletion of Identity Districts;
  - b. Locations, configurations, and acreage of zoning districts shown to be made conceptual and subject to change by the Master Developer;
  - c. Locations of roads shown to be made conceptual and subject to change as approved by the Pima County Department of Transportation;
  - d. Natural Open Space configuration and acreages shown to be made conceptual and subject to change as determined by adherence to Pima County codes; and

e. Deletion of Wastewater Collection, Conveyance & Treatment Facility Study Areas.

6. Modification of Table 3 (Final Density Table) and Table 3B (Sub-District Site Data (Block Plat)) to be made conceptual and subject to change by the Master Developer pertaining to parcels, density ranges, and targets, including deletion of minimum and maximum residential unit counts within each development parcel.
7. Waiver of requirements for Important Riparian Area protection and addition of a requirement to comply with Pima County Code Title 16.30, Watercourse and Riparian Habitat Protection and Mitigation Requirements.
8. Waiver of requirements for a wastewater collection, conveyance, and treatment facility, including donation of land for a treatment facility, and addition of a provision that sewer be served by the planned southeast sewer expansion.
9. Waiver of requirements for hydrology and floodplain management, including a Master Drainage Study and Watershed Master Plan, and addition of a requirement to comply with Pima County Code Title 16 Floodplain Management Ordinance and the provisions of the Lee Moore Wash Basin Management Study.
10. Waiver of requirements pertaining to the Affordable Housing Policy. The policy has been rescinded by Pima County.
11. Addition of a provision allowing the timing and scope of Master Studies and Technical Reports to be determined by County department and agency officials based on the scope and potential impacts of development projects to infrastructure capacities and requirements.
12. Waiver of cut and fill requirements and addition of a provision that all grading requirements comply with applicable Pima County codes.
13. Waiver of requirements for specified minimum parkland acreage, including a 31-acre community park and addition of a provision that per the approved Recreational Area Plan, the required number, acreage, location, and amenities of parks and trails will be adjusted as the project is developed based upon the amount and type of residential development. Also, pocket parks exceeding 5,000 square feet in size shall be counted toward the requirement of providing 871 square feet of recreational amenities per single family residential unit.
14. Modification of certain Administrative Modification provisions, including: a) Deletion of the 20% maximum allowance for changes in configuration of development parcels and addition of administrative changes to the zones of those parcels; b) Addition of administrative changes to roadway alignments; c) Addition of administrative waiver of a block plat for an individual development project; d) Deletion of the 10% maximum transfer of commercial/mixed use square footage from one mixed use parcel to another; and e) Addition of modifications to the alignment and location of infrastructure in addition to the design and construction of infrastructure based upon changing conditions.
15. Addition of a provision for the Annual Administrative Monitoring Report to track residential development to ensure the range of required residential units will be met.

The modifications of rezoning conditions include:

1. Modification of condition #6 which, in part, requires no subdividing or lot splitting without the written approval of the of the Board of Supervisors to allow the requirement to apply only to lot splits for single-family residential development.
2. Modification of condition #8 which states, "Adherence to the specific plan document and preliminary development plan as approved at public hearing." to allow the preliminary development plan to be made conceptual and allow deletion of Identity Districts and of Wastewater Collection, Conveyance & Treatment Facility Study Areas.
3. Waiver of condition #10 which requires approximately 25 percent of revenues raised by implementation of the Affordable Housing Policy to meet goals for affordable

housing within the project.

4. Modification of condition #12 which requires, in part, approval of a block subdivision plat for each of the Identity Districts or sub-districts as shown in the Specific Plan to allow a maximum of five block subdivision plats, generally defined by a section of land.
5. Modification or waiver of condition #15(A – F), #21, and #22 pertaining to Flood Control District requirements to update requirements for current floodplains, including riparian areas.
6. Modification or waiver of condition #16(A – I) pertaining to Wastewater Management Department requirements to update requirements for current sewer service plans that exclude the option for an on-site wastewater treatment facility.
7. Modification of condition #18(B) which, in part, requires provision for a minimum of 202.88 acres of parkland based on target densities to allow provision of parkland in accordance with the approved Recreation Area Plan based upon the amount and type of residential development within the specific plan.
8. Modification of condition #18(D) which, in part, requires, provision of a minimum of one recreation area/park based upon an approved Recreational Area Plan within each residential development parcel per Table 3 of the specific plan to allow provision of parkland in accordance with the approved Recreation Area Plan based upon the amount and type of residential development within the specific plan.
9. Waiver of condition #18(H)(3) which requires provision of a 31-acre land conveyance for a community park located in District "C".
10. Waiver of condition #24(A-B) pertaining to Pima pineapple cactus study, survey, preservation, and mitigation to allow for preservation and mitigation for Pima pineapple cactus per the Pima County Zoning Code, Chapter 18.72, Native Plan Preservation.

The subject site is approximately 3,062 acres of the original 3,184-acre specific plan zoned SP (Swan Southlands Specific Plan, excluding Tax Parcel 303-09-002Z) and is located generally between S. Swan Road and S. Wilmot Road and approximately one mile south of E. Old Vail Connection Road in Sections 10 (portion), 12 (portion), 13, 14, and 15, T16S, R14E. (District 2)

ON MOTION, it was

Voted: To **APPROVE** the recommended addendum to the specific plan and modification of specific plan conditions, including waiver of condition #30 as follows:

1. Not more than 60 days after the Board of Supervisors approves the amended Specific Plan, the Developer shall submit to the Planning Official the amended specific plan document, including any necessary revisions of the specific plan document, and the specific plan text and exhibits in an electronic format acceptable to the Planning Division.
4. Provision of development related assurances as required by the appropriate agencies with the exception that if a single Development Plan ~~and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility~~ is approved according to the exception specified in Section III-7.a.7 of the Specific Plan.
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 ~~Department of Transportation, Real Property Division~~ Development Services Department.

6. ~~There shall be no subdividing or lot splitting for single family residential development without the written approval of the Board of Supervisors with the exception that if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility. For Parcels D3, D4, and D5 (the 391-acre modification area) an exception may be made for minor adjustments to lot lines that do not affect infrastructure layout.~~
8. Adherence to the amended specific plan document, and the conceptual preliminary development plan as may be modified under provisions of the Swan Southlands Specific Plan Governing Policies Modification (Amendments) addendum, as approved at the public hearing.
- A. With the exception of Parcels D3, D4, and D5 (the 391-acre modification area): Developer shall enter into a development agreement with Pima County, which shall: 1) define the required on-site and off-site infrastructure to serve the development of the specific plan area, and 2) provide, among other things, an infrastructure phasing schedule coordinated with the phased development of the specific plan area. If the development agreement becomes inconsistent with the requirements of a study called for by these rezoning conditions (or an update to such study) the developer shall provide an appropriate amendment to the development agreement necessitated by the results of such study or update. Said amendment to be reviewed and approved by the County. Developer shall generally meet the requirements of the County Administrator's December 2, 2004 letter to the developer's representative.
- B. ~~A separate development agreement approved by the Board of Supervisors shall be required prior to submittal of a development plan for Parcel D5 for the correctional facility. A separate development agreement, or amendment to the existing Swan Southlands development agreement, approved by the Board of Supervisors shall be required prior to submittal of a plat for Parcels D3 and D4. The development agreements, or an amendment to the existing development agreement, shall define the required on-site and off-site infrastructure to serve the applicable site and include other requirements as determined by Pima County.~~
10. ~~A good faith effort shall be made to use approximately 25 percent of the revenues raised from the implementation of the affordable housing policy of the Swan Southlands Specific Plan project to meet the goals of the affordable housing policy within the project.~~

4211. Block Subdivision Plats:

- A. ~~Prior to the issuance of any permits, this specific plan is subject to the approval of a block subdivision plat for each of the Identity Districts or sub-districts (Summit Village A1, A2, Desert Park B, Desert View C1, C2, C3, Gateway Village D) as shown in the Specific Plan. This specific plan is subject to approval of a maximum of five block subdivision plats generally defined by a section of land, although the specific boundaries of each block subdivision plat shall be flexible to reflect appropriate development limits. A block subdivision plat shall be approved prior to the issuance of permits for a given site, except if the Planning Official determines that the timeframes to complete the Master Block Plat would deny substantial and significant benefits to the greater community in terms of new jobs and/or expanded tax base in accordance with Specific Plan Section III-7.a.7 Administrative Modification Changes. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the block subdivision plat for the applicable Identity District or sub-district section of land. Each block subdivision plat shall make all~~

~~applicable dedications (including roads, sewer, drainage, trails and open space) and identify necessary improvements and provide a design and construction phasing plan tied to replatting of specific blocks. An exception may be made to this condition for Parcel D5 if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.~~

- ~~B. Upon submittal of the first block subdivision plat per the applicable Identity District or sub-district section of land, the studies, reports, information required by these specific plan conditions and the specific plan document itself, shall be provided for review and approval of the applicable Pima County department or departments. An exception may be made to this condition for Parcel D5 if a single Development Plan and separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility; the required studies, reports, information shall be submitted at the time of the development plan.~~

~~4312. No building permits within an Identity District a section of land shall be issued until all applicable specific plan requirements for or affecting that Identity District section of land, or parcel if Parcel D5 according to the exception specified in Condition 12 Section III-7.a.7 of the Specific Plan, are satisfied and the Planning Official issues a Certificate of Rezoning Compliance.~~

~~4514. Flood Control District requirements:~~

- ~~A. The Swan Southlands Specific Plan and development standards shall meet the regulatory requirements of Title 16 of the Pima County Code, and all subsequent amendments to this ordinance by the Pima County Board of Supervisors. Title 16 specifies the regulatory requirements for floodplain management, flood control, erosion control, and riparian habitat.~~
- ~~B. An Overall Watershed Master Plan shall be developed with the District for floodplain management information, flood control infrastructure, riparian habitat mitigation planning and funding mechanisms for offsite flood control improvements, provided the improvements are necessary to protect developed property within the Specific Plan from flood damage, and shall be submitted to and subject to approval by the Pima County Flood Control District Board of Directors. The segment of the Watershed Master Plan that impacts Swan Southlands must be adopted prior to recording any final plats for Swan Southlands.~~
- ~~C. A detailed Master Drainage Study for the entire Swan Southland Specific Plan area is required for the first block subdivision plat. The Master Drainage Study will be a detailed hydrologic and hydraulic analysis for the watershed affecting any of the property in the specific plan area, and shall include, but is not limited to, major offsite drainage areas impacting all blocks studied by detailed methods like HEC-1, use of 1-foot contour intervals for floodplain modeling by HEC-2 or HEC-RAS that will produce accurate floodplains affecting planned encroachment areas, sediment transport and erosion hazard setback analysis including bank protected areas, opportunities for regional detention to reduce onsite detention, identify Section 404 jurisdictional waters and impacts, identify drainage infrastructure needs and funding mechanisms, public maintenance concerns, and private drainage maintenance by the future homeowners association.~~

~~D. Floodplain and riparian habitat encroachments shall be fully addressed in the Master Drainage Study. Impacts for floodplain and riparian encroachments should be minimized by alternatives explained in the Master Drainage Study.~~

~~E. A Riparian Mitigation Plan, as required by Title 16 of the Pima County Code, also shall be included in the Master Drainage Study. The plan should evaluate, prioritize and identify floodplains and riparian habitats that are to be protected; impacts of necessary flood control improvements for public health, safety and welfare; and provide a habitat mitigation plan to address impacts as well as restoration plans. The Riparian Mitigation Plan shall be subject to approval by the Flood Control District.~~

~~F. For Parcels D3, D4, and D5 (the 391-acre modification site): The developer shall prepare a hydrology study for Franco and Flato Wash systems, for approval by Pima County Flood Control District. Limits of encroachment and any other proposed modifications of the floodplains shall be determined through analysis of hydrology, hydraulics, and floodplain mapping. No adverse impacts to flood or erosion risk shall occur upon adjacent properties as measured by flood peaks, flood stage, flood velocity, overbank storage, erosion and sedimentation. Any proposed modifications shall maintain or restore the connection between interdependent components of river systems on the property: channel, overbank floodplain, distributary flow zones, and riparian vegetation. Roadway Drainage improvements to Wilmot Road shall be addressed during this phase of the development.~~

The development shall comply with the Development Criteria for the Lee Moore Wash Basin Management Study including preservation of flow corridors and shall provide a Master Drainage Plan, Habitat Conservation Plan and Integrated Water Management Plan with each Master Block Plat for review and approval by the Flood Control District.

4615. Wastewater Management Reclamation Department requirements:

~~A. Refer to Condition 27A.~~

~~B. The owner/developer shall fund, design and construct all necessary public and private sanitary sewerage collection, conveyance and treatment facilities required to serve the rezoning area, and provide conveyance capacity and service (flow through) to all the naturally occurring up-gradient properties identified in a basin study prepared by the owner/developer. Specific facility construction requirements will be documented in a master sewer service agreement executed prior to submittal of a final plat. Final alignments for flow through and flow through conveyance capacity will be established at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.~~

~~C. The owner /developer shall time all development within the rezoning area to coincide with the availability of treatment and conveyance capacity.~~

~~D. No more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, the owner / developer shall obtain written documentation that sanitary sewerage treatment and conveyance capacity for the proposed development will be available when needed to serve the development.~~

~~E. The owner/developer shall complete the construction of necessary public and/or private sewerage facilities, obtain necessary discharge authorizations (approvals of~~

construction) from the Arizona or Pima County Department of Environmental Quality, and convey title to facilities that may be owned and maintained by Pima County.

~~F. As specified in the Master Sewer Service Agreement, the owner /developer shall connect development within the specific plan area to the sanitary sewer system at the location and in the manner specified.~~

~~G. The wastewater treatment facility sites are to be sized and located such that they will accommodate future expansion to treat flows from upstream areas within the basin as identified in the basin study. The owner/developer shall provide sufficient, but not less than 10 acres of, land within the rezoning area to accommodate expansion of treatment facilities to the full projected build-out of the rezoning area plus the upstream tributary areas in accordance with the Master Sewer Service Agreement. This condition is not applicable to Parcel D5 for the correctional facility.~~

~~H. In accordance with the Arizona Department of Environmental Quality, disclosure statements are to be provided to all buyers of property adjacent to the wastewater treatment facilities acknowledging their presence and identifying them as 24 hour facilities with the potential for occasional noise and odor.~~

~~I. For the 120 acres (Parcel D5) for the correctional facility: No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this specific plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public amendment area is to occur, unless it is provided by the owner / developer and other affected parties.~~

A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.

B. The owner(s) shall comply with the 2010 Amended and Restated Development Agreement Section 8, as may be amended, which addresses the Design and Construction of Wastewater Improvements. Prior to the approval of the first Block Plat or Development Plan, the owner(s) shall prepare an updated Wastewater Plan which identifies the off-site and on-site wastewater collection system to serve the plan area and includes an infrastructure phasing schedule that is tied to the phased development of the plan area. The Wastewater Plan is subject to review and approval by the PCRWRD. The involved parties acknowledge that PCRWRD has agreed to a proposed plan area connection to the County's existing regional public system (Old Nogales line) as the method of sewer disposal for the plan area. The updated Wastewater Plan shall identify the applicable Wastewater Improvements necessary for the development of the plan area based upon such a connection.

C. The owner(s) acknowledge that adequate treatment and conveyance capacity to accommodate this plan area in the downstream public sewerage system may not be available when new development within the plan area is to occur, unless it is provided by the owner(s) and other affected parties.

D. The owner(s) shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the plan 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.

- E. 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.
- F. The owner(s) shall time all new development within the plan area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- G. The owner(s) shall connect all development within the plan 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.
- H. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan 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.
- I. On-site disposal systems are not proposed to serve this plan area and geologic report that demonstrates feasibility has not been developed; therefore, all improvements shall be connected to an approved sewer system pursuant to ADEQ requirements.

4817. Natural Resources, Parks and Recreation Department requirements:

- A. Passive recreation activities including trails shall be located adjacent to project open space and NPPO set-aside areas to allow for continuity of riparian habitat and restoration of disturbed habit as needed. Should an environmentally sensitive trail alignment or public utility constitute a minor intrusion, as determined by the Planning Official, into the already designated 30 percent NPPO set-aside, a request may be made to the Planning Official who may consider the merits of the trail alignment upon recommendation from the Design Review Committee. Acceptance of a minor intrusion would not necessitate a revision or an amendment to the Specific Plan.
- ~~B. Based upon target densities, the developer(s) shall designate and dedicate to the public or create as common area a minimum of 202.88 acres based on 871 square feet per single family unit of developed public and/or private parkland for community parks, neighborhood parks, public and private trails, and joint use public facilities. Developer shall designate the public and private parkland commensurate with the densities of the development. In no case shall the dedication or creation as common area of the public and private parkland be less than the amount required for the minimum densities.~~
- ~~C. Pima County Natural Resources, Parks and Recreation (NRPR) shall maintain public parks greater than 10 acres in size and public trails developed within the boundaries of the Specific Plan.~~

~~D. Within each residential development parcel per Table 3, page 71 of the Specific Plan, the developer shall construct and maintain a minimum of one recreation area/park. An approved Recreation Area Plan (RAP) is required for each development parcel prior to tentative plat approval.~~

~~EB.~~ Interactive recreation elements along trails may include benches, par course stations, tables, grills, ramadas, water fountains, bicycle racks, and directional and educational information signage, subject to the approval of NRPR staff; these public easements shall be shown on a trails plan and approved by staff prior to any subdivision plat approval.

~~FC.~~ Street sections of interior loop roads and the east/west minor arterial roadway shall include a six-foot sidewalk, a 10-foot paved pathway and two bicycle lanes.

~~GD.~~ The developer shall submit trail corridor locations subject to approval by NRPR staff prior to any plat approval; the trails shall provide connectivity/linkage to all areas of the project and to regional trail system (if applicable).

~~HE.~~ For the area of Parcels D3, D4, and D5 (the 391-acre modification site):

~~1) The Recreation Area Plan dated March 2005 shall be updated with the submittal of Master Block Plat for District A, B, or C.~~

~~2) A Recreation Area Plan shall be submitted with the Master Block Plat for District D submittal to show recreation trails.~~

~~3) The 31-acre land conveyance for a community park shall be located in District "C".~~

4918. Cultural Resources requirements:

~~A. With the exception of Parcels D3, D4, and D5 (the 391-acre modification site):~~

~~1) Avoidance and preservation in place of all National Register eligible cultural resources shall be the first consideration in all cases. Where avoidance is not possible, all required cultural resources mitigation studies shall be conducted and reported on by Identity District or sub-district.~~

~~2) A mitigation plan and plan of work shall be developed for each Identity District or sub-district that contains cultural resources. In the event that an archaeological site spans more than Identity District or sub-district, a single plan of work shall be prepared and implemented for the entire archaeological site.~~

~~3) All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.~~

~~4) All plans shall be submitted to the Pima County Cultural Resources Office for approval prior to implementation and all reports shall be submitted to this office for review after the required field studies are completed.~~

~~B. For Parcels D3, D4, and D5 (the 391-acre modification site):~~

- 4) A. Development within the plan amendment area will potentially affect cultural resources, especially archaeological sites. Standard cultural resources requirements for rezoning and grading are the minimum required. Cultural resources inventory is required for any development area, and ~~where~~ where significant cultural resources are found, avoidance through development design, open space set-asides, and conservation easements are the preferred mitigation strategies; although when not possible to implement conservation strategies, other mitigation measures shall apply.
  
- 2) B. A cultural resources mitigation plan, detailing strategies that include testing, documentation, data recovery, preservation, protection, analysis, reporting, and curation for the management of all ~~Register-eligible~~ significant sites shall be submitted to the Office of Sustainability and Conservation, Cultural Resources & Historic Preservation Division (OSC) for review and approval. ~~The State Historic Preservation Office may also be consulted for review and approval.~~ The cultural resources mitigation work will be conducted by an Arizona State Museum permitted archaeologist, or registered architect, as appropriate. This work shall be completed and approved by OSC prior to issuance of a grading permit and any ground-disturbing construction activities.
  
- 3) C. 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 Law ARS 41-865 requires that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.

~~21. With the exception of Parcels D3 and D5: The Final Conceptual Riparian Restoration Plan necessary for compliance with Special Area Policy #2 of the plan amendment cases CO7-03-07, CO7-03-09, and CO7-03-10 shall be submitted to and subject to approval by the Development Services Environmental Planning Manager and the Flood Control District prior to the approval of the first tentative block subdivision plat. The Final Conceptual Riparian Restoration Plan shall identify success criteria, where appropriate, for riparian areas to be mitigated with additional containerized or salvaged plantings; establish the specifics of a monitoring program; and a reporting schedule. Any riparian restoration activities proposed subsequent to the approval of the Final Conceptual Riparian Restoration Plan shall also be submitted to and approved by the Development Services Environmental Planning Manager and the Flood Control District prior to implementation.~~

~~22. The Final Conceptual Riparian Restoration Plan shall identify specific measures to control sheet erosion within protected portions of the South Fork of the Flato Drainage in Section 14. These efforts to control sheet erosion shall commence in conjunction with the Swan Road improvements along the west boundary of Section 14.~~

~~23. Prior to the approval of the first tentative block subdivision plat, the final location of those utility crossings and trail alignments and other recreation amenities that will be located in or across Project Riparian Areas as identified in the Specific Plan shall be determined by review and subject to approval by representatives from the Flood Control District, the~~

~~24. Pima pineapple cactus (PPC):~~

~~A. With exception of Parcels D3, D4, and D5 (the 391-acre modification site):~~

- ~~1) The Final 10 Year Study: Pima pineapple cactus (PPC) will be submitted to and approved by the Development Services Environmental Planning Manager prior to the approval of the first tentative block subdivision plat. This study will include, but may not be limited to, identification of the different transplant methodologies to be evaluated, descriptions of propagation methods, disclosure of the location(s) of the transplant research sites and propagation nurseries, description of monitoring and reporting protocols, and disclosure of the disposition of Pima pineapple cactus (PPC) produced by any successful propagation.~~
- ~~2) The Final 10 Year Study of Pima pineapple cactus (PPC) will commence prior to, but no later than the approval of the first tentative block subdivision plat.~~
- ~~3) Prior to the approval of the each tentative subdivision plat, the appropriate project area will be surveyed for Pima pineapple cactus (PPC) according to the survey methodology described in the approved Final 10-year Study Plan. Each Pima pineapple cactus located will be identified and transplanted into suitable habitat areas within the project area. The original location of each PPC will be documented with Global Positioning System coordinates (or the equivalent).~~

~~B. For Parcels D3, D4, and D5 (the 391-acre modification site): Using the survey protocols established in the approved Swan Southlands Specific Plan Appendix 11 Preliminary 10 Year PPC Study and prior to the approval of each development plan within the amendment area, the appropriate project area will be surveyed for Pima pineapple cactus (PPC). If PPC cannot be preserved in place, they will be transplanted according to transplant protocols established in the approved Swan Southlands Specific Plan Appendix 11 Preliminary 10 Year PPC Study and re-located to protected open space or other suitable locations within District D. The original location of each PPC, as well as its transplant location, will be documented with Global Positioning System coordinates (or the equivalent). Every year for ten (10) years, an annual status report will be provided that summarizes the survivorship and reproduction of transplanted PPC. This report is to be incorporated into the Specific Plan Annual Implementation Monitoring Report for the Swan Southlands Specific Plan submitted to Development Services Department.~~

~~2722. Water:~~

- ~~A. If a hydrological study of projected declines in water levels due to the operation of the proposed well or wells is required pursuant to AAC R12-15-830, the developer shall provide one copy to Development Services, one copy to the Department of Wastewater Management Reclamation, and one copy to the Water Resources Division of the Flood Control District at the same time copies are provided by or to Arizona Department of Water Resources (ADWR). The Wastewater Management Department and Water Resources Division of the Flood Control District water system operator shall notify well owners in the area. Development Services shall make available a copy of the study for public review. The applicant shall follow the ADWR Well Spacing and Impact Rules according T12-15-830, and observe any revisions.~~

B. The project will use City of Tucson Water or an acceptable municipal, private, or formed district alternative as its water delivery provider.

C. With the exception of Parcels D3, D4, and D5 (the 391-acre modification site):

Water Conservation:

- 1) An overall water conservation plan describing water conservation measures which will be offered for the specific plan site is required for review and approval by Pima County Development Services Department in consultation with the water resources staff of the Flood Control District prior to a master block plat approval.
- 2) The plan will provide a commercial, residential, common area, and public water conservation program and implementation strategy.
- 3) The plan will address:
  - a) Stormwater management;
  - b) Reuse of treated wastewater;
  - c) Community education program;
  - d) Homeowner association CCR's and design guidelines;
  - e) Exterior use of the latest advancements in water conservation measures to minimize potable water use including but not limited to: irrigation systems, drought tolerant plant material, grading plans, turf limitations, and recreational water use restrictions; and
  - f) Subject to ADEQ and PCRFCD criteria, interior use of latest advancements in water conservation measures to minimize potable water use including but not limited to: low water use appliances, and plumbing systems.
- 4) A more detailed water conservation plan, consistent with the overall plan, shall be submitted for review and approval by Pima County Development Services Department in consultation with the water resources staff of the Flood Control District with each tentative plat.

D. For the areas of Parcels D3 and D5D4:

- 1) The applicant shall provide a water conservation plan that details how the post-modification Specific Plan demand for water will be reduced through quantifiable conservation elements. The water conservation plan shall be submitted with the master block plat, if one is required, or with each development plan submitted. The water conservation plan(s) shall be reviewed and approved by Pima County Development Services Department in consultation with the Regional Flood Control District's Water Resources staff prior to final approval of the master block plat, if one is required, or final approval of the individual development plan. The water conservation plan(s) will employ state of the art conservation measures appropriate for the intended use(s) and will conserve and minimize the use of potable water wherever possible. The water conservation plan(s) shall address and evaluate the feasibility of the following:
  - a) Stormwater management and rainwater harvesting;
  - b) Re-use of grey water or effluent, if available;

- c) Exterior water conservation measures to minimize potable water use including, but not limited to, irrigation systems, drought tolerant plant material, grading plans, and turf limitations; and
- d) Interior water conservation measures to minimize potable water use including, but not limited to, low water use appliances and plumbing systems.

~~2) In the future, if sewer line connections are provided, the 5,000 bed prison and the other areas included in this modification may connect to the Swan Southlands Wastewater Treatment Facility to allow for reuse and recharge of effluent within the Swan Southlands area, subject to terms of the agreement with the Pima County Regional Wastewater Reclamation Department.~~

~~E. The immediate direct and beneficial reuse of any reclaimed water generated from the treatment facility that will either be constructed and operated by the owner/developer or Pima County will be required, provided the source water entering the wastewater treatment facility is not of Tucson Water. The reclaimed water should first be utilized to irrigate landscaping, parks and school turf areas within the development area.~~

~~3025. A minimum of 95 percent of the viable riparian areas shall be preserved. For the purposes of this condition, preservation of viable riparian areas shall be measured by percentage of vegetative canopy cover.~~

~~3126. For the areas of Parcels D3 and D4: A minimum 500 feet open space buffer along the west boundary as shown on the preliminary development plan shall be provided if the areas of Parcel D3 or D4 or successor parcels to D3 or D4 are is developed for permitted industrial uses, other than a correctional facility for which Condition 3327.D applies. The buffer shall be shown on any applicable development plan or plat.~~

~~32. For Parcel D5: The operations of a prison facility and the security level of inmates housed therein shall adhere to the restrictions and prohibitions on prisons included in Title 41, Arizona Revised Statutes. The security level of inmates housed at the prison facility shall be less than Maximum level (based on the Arizona Department of Correction's Custody Levels, or equivalent). The facility shall be accredited by the American Correctional Association (ACA) within 2 years of it receiving its first inmates and shall house inmates in those facilities in a manner determined appropriate by ACA.~~

~~3327. For the areas of Parcels D3 and D4:~~

~~A. Of the permitted industrial uses, the uses that are equivalent to the CI-2 zone of the Pima County Zoning Code are allowed on the east half of the areas of Parcels D3 and D4 or successor parcels to D3 or D4 (the west boundary boundaries being an approximate distance of 2,400 feet from Wilmot Road).~~

~~B. Of the permitted industrial uses, the uses that are equivalent to the CI-1 zone of the Zoning Code are allowed throughout the areas of Parcel D3 and D4 or successor parcels to D3 or D4, with the exception of condition 3327.D below.~~

~~C. The permitted industrial uses are subject to the performance standards of the equivalent zone of the Pima County Zoning Code except that all allowable uses within 2,500 feet of a residential structure (e.g. residences of Section 11) shall adhere to the performance standards set forth in the Zoning Code Section 18.43.020B which are the~~

performance standards for the CB-1 zone. This requirement is comparable to the Mixed Use provision of the CI-1 zone.

D. Any proposal to locate a correctional facility in the area of Parcel D3 or successor parcels to D3 shall be subject to the following requirements:

- 1) Approval of a Type III Conditional Use permit;
- 2) The west property boundary extends no further west than the 1,320 feet boundary described and shown in the letter dated May 12, 2010 from the applicant (as shown on Exhibit C) and map (as shown on the map attached hereto as Exhibit D). If the area of Parcel D3 or successor parcels to 3D is developed as a correctional facility, the open space buffer will therefore be expanded from 500 feet to 1,320 feet;
- 3) In addition to the standard public notification for a Type III Conditional Use Permit, public notice shall be expanded to include all property owners within Section 11.

~~E. The immediate direct and beneficial reuse of any reclaimed water generated from the treatment facility that will either be constructed and operated by the owner/developer or Pima County will be required, provided the source water entering the wastewater treatment facility is not of Tucson Water. The reclaimed water should first be utilized to irrigate landscaping, parks and school turf areas within the development area.~~

~~34. For Parcels D3, D4, and D5 (the 391-acre modification site): The correctional facility or other industrial uses cannot be used to count toward the specific plan's commercial/employment square footage target (762,312 s.f.) and goal of providing convenient commercial services to specific plan residents.~~

~~3528. Administrative Modification III-7.a.2 which allows changes in the boundaries of individual parcels up to a maximum of 20% shall not apply to the west boundaries boundary of Parcels D3 and D5.~~

~~29. CI-1 and CI-2 industrial uses shall not be permitted within the area of the Specific Plan south of the boundary with Section 11 and the north of the southern limits of the north tributary of the Flato Wash.~~

~~30. MU and CB-2 business uses shall not be permitted within the 300-foot transitional area adjacent to Section 11. The 300-foot transitional area shown on the preliminary development plan is not conceptual and is further subject to development standards listed for Table 4, Residential Development Standards.~~

The motion **PASSED** (8 – 0; Commissioners Mangold and Gavin were absent)

### ZONING CODE TEXT AMENDMENTS

- 6) **Co8-16-02 SITE ANALYSIS POLICY**  
PROPOSAL TO AMEND PIMA COUNTY'S "SITE ANALYSIS REQUIREMENTS" WHICH ARE USED TO IMPLEMENT THE PIMA COUNTY SITE ANALYSIS POLICY, ADOPTED BY BOARD OF SUPERVISORS RESOLUTION IN JULY 1985, AS LAST AMENDED IN MARCH 2010, IN ORDER TO REORGANIZE, UPDATE, AND CLARIFY THE CURRENT DOCUMENT. THE SITE ANALYSIS IS A TOOL REQUIRED TO ACCOMPANY MOST REZONING AND ALL SPECIFIC PLAN REQUESTS AND ALL CLUSTER PROJECT REQUESTS. (ALL DISTRICTS)

ON MOTION, it was

Voted: To **CONTINUE** until November 30, 2016 per staff's recommendation.

The motion **PASSED** (8 – 0; Commissioners Mangold and Gavin were absent)

7) **INITIATION OF ZONING CODE TEXT AMENDMENT – MODIFICATION OF SETBACK REQUIREMENTS, WALLS AND FENCES, SELF STORAGE, COMPREHENSIVE PLAN, SPECIFIC PLANS, AND REZONING PROCEDURES**

STAFF REQUESTS THAT THE PLANNING AND ZONING COMMISSION AUTHORIZE AND INITIATE A REVISION TO THE PIMA COUNTY ZONING CODE, CHAPTER 18.07 GENERAL DEFINITIONS, TO REVISE A SECTION IN THE DEVELOPMENT STANDARDS EXCEPTIONS FOR WALLS AND FENCES 84 INCHES OR LESS; TO ALLOW PROPERTIES IN A SPECIFIC PLAN TO APPLY FOR RELIEF THROUGH THE MODIFICATION OF SETBACK REQUIREMENT PROCESS; CHAPTERS 18.43 AND 18.45 LOCAL BUSINESS AND GENERAL BUSINESS ZONES TO DELETE THE MAXIMUM SITE AREA FOR A SELF-STORAGE FACILITY; CHAPTER 18.89 COMPREHENSIVE PLAN TO ALLOW A CONCURRENT AMENDMENT WITH A SPECIFIC PLAN; CHAPTER 18.90 SPECIFIC PLAN TO AMEND MULTIPLE SECTIONS FOR CLARIFICATION PURPOSES, TO DELETE THE MINIMUM ACREAGE REQUIREMENT; TO ALLOW CONCURRENT COMPREHENSIVE PLAN AMENDMENT WITH A SPECIFIC PLAN, AND TO REVISE THE DEADLINE WHEN WRITTEN PROTESTS TO THE BOARD OF SUPERVISORS MUST BE RECEIVED; CHAPTER 18.91 REZONING PROCEDURES, TO REVISE THE DEADLINE WHEN WRITTEN PROTESTS TO THE BOARD OF SUPERVISORS MUST BE RECEIVED.

Voted: To **APPROVE** the initiation of revision to the Pima County Zoning Code, Chapter 18.07.

The motion **PASSED** (8 – 0; Commissioners Mangold and Gavin were absent)

8) **NEW BUSINESS**

A) Board of Supervisors disposition of cases.  
Chris Poirier, Planning Official, gave dispositions of cases.

9) **ADJOURNMENT**

Meeting was adjourned at 10:32 a.m. on motion by Commissioner Matter.