



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 **SEPTEMBER 28, 2016**
DATE: SEPTEMBER 30, 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., 1st Floor, Tucson, AZ

1) **ROLL CALL:**

PRESENT

ABSENT

- D4 Eddie Peabody, Jr., Chair
- D1 Brad Johns, Vice-Chair
- D4 William Matter
- D2 Armando Membrila
- D5 Bob Cook *left at 11:40 a.m.*
- D3 Lynne Mangold
- D1 Jodi Bain *arrived at 9:10 a.m.*
- D3 Peter Gavin
- D5 Bruce Gungle
- D2 Barbara Becker

TEN MEMBERS PRESENT

ALSO PRESENT

- Chris Poirier, Planning Official
- Mark Holden, Principal Planner
- Tom Drzazgowski, Deputy Chief Zoning Insp.
- Terri Tillman, Senior Planner
- Janet Emel, Senior Planner
- Jeanette DeRenne, Principal Planner, DOT
- Greg Saxe, Environmental Plan. Mgr., RFCD
- Celia Turner, 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 **APPROVE** August 31, 2016 checklist and consent agenda as well.

The motion **PASSED** (9 – 0; Commissioner Bain was absent)

4) **CALL TO THE AUDIENCE**

No one spoke.

MODIFICATION (SUBSTANTIAL CHANGES AND NON-SUBSTANTIAL CHANGES) OF SPECIFIC PLAN

5) **Co23-08-02 POMEGRANATE FARMS TUCSON LLC SPECIFIC PLAN**

Request of **Pomegranate Farms Tucson LLC** and **Pomegranate Farms Commercial Tucson LLC**, represented by **LVA Urban Design Studio LLC** and **Psomas**, for a Modification (Substantial Changes and Non-substantial Changes) of Pomegranate Farms Specific Plan to: 1) amend rezoning conditions #19, #23, and #24 of Ordinance 2009-41; 2) amend certain primary features of the Specific Plan; and, 3) amend certain design standards of the Specific Plan.

The requested Modification would:

1. Revise specific plan condition #19 which states, “Adheren~~ee~~ to the amended specific plan document as approved at the Board of Supervisor’s public hearing.” Amend the specific plan’s:
 - a. Land use designations, including permitted uses;
 - b. Land use designation development standards (called “performance criteria”);
 - c. Land use configuration and acreages;
 - d. Road configuration;
 - e. Minimum and maximum numbers of dwelling units and residential densities (the changes would be a reduction of the minimum and maximum numbers); and,
 - f. Conceptual development illustrations and the color palette (delete entirely).
2. Waive specific plan condition #23 which states, “Any proposal or action which would result in a significant deviation from the objective of providing or reserving the necessary acreage for commercial services within ¼ - ½ mile of all residential development (as stated in the specific plan) or the general dispersal of commercial services to serve the residential development of the specific plan, would be considered a “Substantial Modification” of the specific plan requiring public hearings before the Planning and Zoning Commission and the Board of Supervisors per Section 18.90.080.” This concept is also reflected as a Design Standard. The modification request will amend the specific plan to replace the requirement to provide commercial services within walking distance of all residences with providing residential and commercial uses within the overall 645-acre development site.
3. Waive or revise specific plan condition #24 which states, “Owner/Developer shall

reach an agreement with Tucson Unified School District (TUSD) or another public school provider regarding the provision of a school location within the development as shown and described in the specific Plan. TUSD and Owner/Developer have begun negotiations. If the agreement is with TUSD, the agreement will be in substantial conformance with the Letter of Intent dated February 13, 2009 between Owner/Developer and TUSD or otherwise mutually acceptable to TUSD and Owner/Developer.”. The applicant would work with TUSD on a revised agreement.

4. Revise or waive certain primary features of the Specific Plan which are:
 - a. Revising the required 50 acres of “floating” Community Activity Center “located throughout the project...” to commercial development located in the northwest portion of the development site;
 - b. Waiving the requirement to promote compact development created through high-density, vertical residential development which also includes waiving Design and Development Standards related to the concept of compact development.
5. Revise, replace, or waive certain types of Design Standards (reference Section III-8 of the specific plan) including:
 - a. Revising, replacing, or waiving certain measurable sustainability standards;
 - b. Replacing a two-tiered system of design standards with one set of design standards; and,
 - c. Waiving a design standard which addresses collecting funds for community programs, maintenance, facilities, and to subsidize certain housing.

The subject site is approximately 645 acres zoned SP (Pomegranate Farms Specific Plan) and is located south of Ajo Highway, approximately 2,000 feet east of the intersection of W. Valencia Road and Ajo Highway in Section 18, T15S, R12E. (District 3)

ON MOTION, it was

Voted: To recommend **APPROVAL** subject to Standard and Special Conditions as amended.

1. Not more than 60 days after the Board of Supervisors approves the amended Specific Plan, the owner(s) / developer(s) shall submit to the Planning Director the amended specific plan document, including any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. Submittal of a development plan, or acceptable site development plan, if determined necessary by the appropriate County agencies.
3. Recording of a covenant holding Pima County harmless in the event of flooding.
4. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
5. Provision of development related assurances as required by the appropriate agencies.
6. 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, Document Services.
7. There shall be no subdividing or lot splitting without the written approval of the Board of Supervisors.

8. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and another Pima County regulation not listed in Section 18.90.050B3, the more restrictive requirement shall apply.
9. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's design standards shall be interpreted to implement the specific plan or relevant Pima County regulations.
10. Prior to the issuance of any permits, this specific plan is subject to the approval of a Master Subdivision Block Plat for the entire site. The subdivision block plat shall make all dedications (including roads, sewer, drainage, trails and open space), unless otherwise specified in the development agreement, and the plat shall identify all necessary improvements and provide a design and construction phasing plan. Upon submittal of the block plat, 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. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the subdivision block plat.
11. No building permits shall be issued until all applicable specific plan requirements for or affecting the site are satisfied and the Planning Director issues a Certificate of Rezoning Compliance.
12. Transportation Department requirements:
 - A. The property owner/developer(s) shall dedicate ~~200~~ 25 feet ~~full~~ of right-of-way, ~~or 100 feet half right-of-way as applicable,~~ for Valencia Road as designated by the Major Streets and Scenic Routes Plan. ~~The alignment of Valencia Road shall require approval by the Department of Transportation and shall be coordinated with adjacent development.~~ The right-of-way shall be dedicated within 90 days of Board of Supervisors approval of the modification of the specific plan.
 - B. The property owner/developer(s) shall dedicate ~~450~~ 45 feet ~~half~~ right-of-way, ~~or 75 feet half right-of-way as applicable,~~ for Los Reales Road and ~~120 feet right-of-way, or 60 feet half right-of-way as applicable,~~ for Desert Sunrise Trail per recommended findings of the Southwest Infrastructure Plan necessary right-of-way for the internal loop road, north/south connector road, and shared access road to Valencia Road as indicated in the Traffic Impact Study, when approved.
 - C. ~~A building setback of 130 feet shall be provided on Valencia Road, 105 feet shall be provided on Los Reales Road and 90 feet on Desert Sunrise Trail shall be provided (half right-of-way plus 30 feet that is measured from the centerline of the right-of-way/roadway). For development along the portion of Valencia Road, Los Reales Road and Desert Sunrise Trail, within high density and commercial developed areas, reduction of setbacks to 10 feet plus half of the required right-of-way may be allowed as previously discussed by the Design Review Committee.~~ The property owner/developer(s) shall provide improvements to Valencia Road and Los Reales

Road as determined necessary by an approved traffic study. Construction of Los Reales Road is the responsibility of the property owner/developer(s).

- D. ~~The property owner/developer(s) shall provide on-site and off-site improvements to Valencia Road, Los Reales Road and Desert Sunrise Trail as determined necessary by the Department of Transportation. Construction of Los Reales Road and Desert Sunrise Trail are the responsibility of the property owner/developer(s) and the property owner/developer(s) may be eligible to receive impact fee credits after construction is completed. Los Reales Road construction includes the north half ultimate cross section of a four-lane divided or five-lane desert parkway/urban major collector. Desert Sunrise Trail construction includes the full cross section of a four-lane divided or five-lane desert parkway/urban major collector. Improvements to Valencia Road could include, but may not be limited to, additional pavement for travel, turn or multi-use lanes, outside curb and sidewalks. This condition may be clarified or amended pursuant to a Board of Supervisors approved Development Agreement between Pima County and the owner/developer(s). Adequate circulation shall be provided by including cross access between the project and all adjacent undeveloped areas.~~
- E. ~~The property owner/developer(s) shall dedicate right-of-way and construct a major collector road (within E.1 and D.4 districts), to be located opposite Collector 2 that is located within the Town Center. The road shall provide a connection between Valencia Road and the north property line. It is located within the commercial and multiple use areas designated E.1 and D.4 to provide future access to property located north of the specific plan. The width of said road shall be subject to approval during platting process, depending upon what type of commercial development is planned. In the event that Valencia Road is not aligned as indicated in the Specific Plan, then this condition is not applicable. A detailed and up-to-date Traffic Impact Study shall be submitted with the Master Block Plat and shall be updated as determined necessary by the Department of Transportation throughout the development of the specific plan.~~
- F. ~~Minimum separation between driveways and streets shall be 600 feet along Valencia Road, Los Reales Road and Desert Sunrise Trails. All access shall require Department of Transportation approval. One Park and Ride facility shall be designated in the commercial area along Valencia Road and its location shall be coordinated with Suntran. Commercial parking lots with greater than 50 parking spaces shall not prohibit commuter parking.~~
- G. ~~Provision of access from the internal loop road to the southeast boundary of the specific plan to provide future access to undeveloped property to the east. Access shall be designed to provide cross access between commercial developments. Shared driveways shall be used along Valencia Road to minimize the number of access points.~~
- H. ~~Provision of a detailed and up to date Traffic Impact Study shall be submitted with the Master Block Plat and shall be updated as determined necessary by Department of Transportation throughout the development of the specific plan. Each parcel shall be designed to establish coordinated bicycle and pedestrian connections within the specific plan and plan for future connections beyond the limits of the specific plan.~~
- I. ~~Two Park & Ride facilities shall be provided for within the specific plan, one within the town center or commercial uses along Valencia Road and one along Los Reales~~

~~Road. The property owner/developer(s) shall provide a study/report that addresses transit issues for the specific plan and how it interrelates within the southwest area.~~

~~J. Each district shall be designed to establish coordinated pedestrian and transit oriented connections within the specific plan and plan for future connections beyond the limits of the specific plan.~~

13. Regional Flood Control District requirements:

A. Drainage improvements required to remove the developable portions of the site from the FEMA floodplain will be identified in a drainage report to be finalized with the Master Block Plat. Approval of the Drainage Report ~~and CLOMR~~ shall be required prior to recordation of the Block Plat and approval of the Certificate of Compliance. Approval of the LOMRs by the District and submittal to FEMA is required prior to ~~issuance of any building permits~~ release of assurances for each Block.

B. Drainage corridors identified in the Specific Plan are to be enhanced to provide riparian habitat connectivity across the site as well as recreational and aesthetic amenity to the residents. ~~If a riparian mitigation plan is required, it~~ A Conservation Plan shall be submitted for approval with the Block Plat and prior to the Certificate of Compliance in order to ensure sustainability principles identified by the County and Specific Plan are implemented.

C. Drainage improvements shall be designed in coordination with Ajo Highway and neighboring developments.

D. Due to the proposed land use intensities and severe flood and erosion hazards, flood control improvements within the flow corridors and regulatory floodplains within the Blocks shall be constructed with natural bottoms and with channel banks protected with concrete, gunite, soil cement, or other structural methods. Unless otherwise justified as non-erosive, Earthen channels banks shall not be allowed. Channels associated with non-regulatory flows may be fully lined.

E. Flow corridors shall be a minimum of 200 feet wide.

F. Water conservation measures identified in the Specific Plan shall be implemented with the development. Where necessary as determined at the time each subdivision plat or development plan is submitted, provisions for permanent maintenance of these measures may also be required to be included in the project's CC&Rs and final conservation measures shall be submitted to the District for review and approval.

G. Riparian habitat mitigation plans for each Block, if required, shall enhance the flow corridors by providing mitigation within the corridor and within the detention and first flush retention facilities located adjacent to the corridors.

14. Wastewater Reclamation Department requirements:

A. The owner / developer shall construe no 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 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, 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.

15. Natural Resources, Parks and Recreation Department requirements:
 - A. Prior to the release of assurances for the ~~1,038th lot~~ (~~30%~~ 75% of the lots), the approximate seven-acre park and all associated and required recreation elements shall be constructed.
 - B. Prior to the release of assurances for ~~the lots greater than~~ 75% of the total lots within each ~~district~~ parcel as shown on the Phasing Plan (Exhibit IV-~~A-6I~~), recreation elements and trail locations shall be built as conceptually shown on Exhibit II-~~ML~~ within that ~~district~~ parcel.
 - C. The 10-foot shared-use path and eight-foot stabilized trail within the residential collector road shall be constructed by the developer and maintained by a Homeowners Association.
 - D. A Homeowners Association shall maintain all shared-use paths and stabilized trails throughout the development.
 - E. Final determination of recreation areas and elements required shall be determined with a Recreation Area Plan (RAP), which shall be submitted and approved prior to the approval of the tentative plat. A RAP shall be submitted for each ~~district~~ parcel. Each ~~district~~ parcel shall meet the recreation requirements as stated in Section 18.69.090 and the Recreation Area Design Manual.
 - F. A Recreation Area Plan (RAP) shall be submitted with the Tentative Master Block Plat. The RAP shall show the alignment of the trails within the open space as shown on Exhibit II-~~ML~~. The RAP shall include the park and show the required recreation elements.
16. Cultural Resources requirements:
 - A. Two archaeological sites, AZ AA:16:481(ASM) and AZ AA:16:482(ASM), both eligible for listing in the National Register of Historic Places, are located on the property. Cultural resources mitigation of the archaeological sites is required. The preferred mitigation strategy is avoidance and preservation of sites AZ AA:16:481(ASM) and AZ AA:16:482(ASM). A mitigation plan shall include a preservation strategy that runs with the land; such as a Conservation Easement, a Restrictive Covenant, or recordation on the original Plat submitted to the County. In recording the sites, the Plat map must clearly delineate the spatial extents of the sites with buffer zones and must include a descriptive Plat Note. If avoidance and preservation are not possible, data recovery will be required. If data recovery should become necessary, all archaeological work shall be conducted by an archaeologist permitted by the Arizona State Museum. Any development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County zoning Code.

- B. 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/or ARS 41-844 require 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.
17. In the event the subject property is annexed, the owner(s) / developer(s) 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.
18. 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)."
19. Adherence to the amended specific plan document as approved at the Board of Supervisor's public hearing.
20. If required by the Drexel Heights Fire District (District), the developer shall provide a fire station site within the project that is compatible with adjacent land use and acceptable to the developer and the District and to be shown on the applicable subdivision plat or development plan. The developer shall provide for the transfer of that property to the District.
21. The developers shall include disclosure statements regarding Ryan Airfield in all sales contracts, public reports, and the recorded covenants. The developers shall also establish avigation easements relative to Ryan Airfield. The specific language for inclusion in the disclosure statements and the enactment of the avigation easements shall be coordinated with the Tucson Airport Authority. Land use restrictions shall be coordinated with Ryan Airfield operations to ensure compatibility of proposed land uses with current and projected future airport operations.
- ~~22. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer, including but not limited to impact fees. A development agreement to address, at minimum, infrastructure commitments, phasing, and funding shall be developed and approved by the Board of Supervisors prior to submittal of a Master Block Plat. No permits shall be issued until the revisions to the Pima County development impact fee program are adopted by the Board of Supervisors.~~
23. ~~Any proposal or action which would result in a significant deviation from the objective of providing or reserving the necessary acreage for commercial services within ¼ - ½ mile of all residential development (as stated in the specific plan) or the general~~

~~dispersal of commercial services to serve the residential development of the specific plan, would be considered a "Substantial Modification" of the specific plan requiring public hearings before the Planning and Zoning Commission and the Board of Supervisors per Section 18.90.080.~~

- ~~2422. Owner/Developer shall reach an agreement with Tucson Unified School District (TUSD) or another public school provider regarding the provision of a school location within the development as shown and described in the sSpecific pPlan. TUSD and Owner/Developer have begun negotiations. If the agreement is with TUSD, the agreement will be in substantial conformance with the Letter of Intent dated February 13, 2009 between Owner/Developer and TUSD or otherwise mutually acceptable to TUSD and Owner/Developer.~~

The motion **PASSED** (7 – 3; Commissioners Matter, Cook and Gungle voted **NAY**)

REZONINGS:

- 6) **P16RZ00007 ANDRADA WILMOT 180, LLC – S. WILMOT ROAD REZONING**
Request of **Andrada Wilmot 180, LLC**, represented by **Engineering & Environmental Consultants**, for a rezoning of approximately 359 acres (Parcel Codes 305-23-018C, 305-23-0260, 305-23-027B and a portion of parcel code 305-23-018A) from the RH (Rural Homestead) zone to the CR-5 (Multiple Residence-Small Lot Option) zone, on property located on the east side of S. Wilmot Road, approximately 754 feet south of E. Andrada Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Low Intensity Urban 3.0. (District 4)

ON MOTION, it was

Voted: To recommend **APPROVAL** subject to Standard and Special Conditions as amended.

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. A master block plat along with the studies and/or plans required by various departments shall be submitted prior to any individual subdivision plats.
4. Transportation conditions:
 - A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the east. Provision shall also be made for future access to Andrada Road, when and if constructed.
 - B. The property owner shall dedicate 30 feet of right-of-way for Wilmot Road.
 - C. The property owner shall construct half of the future 150-foot arterial roadway cross

section including drainage infrastructure along the Wilmot Road frontage. The frontage of the rezoning site shall be built as an all-weather roadway.

- D. The property owner shall notify all future home buyers of the lack of all-weather access in the vicinity of this project.
 - E. The property shall be limited to 2 access points on Wilmot Road.
5. Regional Flood Control District conditions:
- A. Flow Corridors equivalent to the Flood Control Resource Areas as shown on the Pima Prosper Regional Hydrology Maps shall be created in order to preserve flow conveyance and provide wildlife connectivity. Flow Corridors should minimize encroachment into the Important Riparian Area and shall remain undisturbed open space. Flow Corridors are subject to review and approval by the District.
 - B. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary as determined at the time development plan is submitted, provisions for permanent maintenance of these 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 at the time of development.
6. Regional Wastewater Reclamation conditions:
- A. The owner 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 owner to that effect.
 - B. The owner acknowledges and agrees that there is no existing treatment facility for this development in the Southlands Service Basin and that the Corona de Tucson WRF was not designed to provide service for these downstream parcels. Any connection to the Corona de Tucson WRF will require augmentation of the treatment capacity.
 - C. The owner acknowledges and agrees that in order to be served by the Corona de Tucson WRF, a conveyance system must be constructed by the owner. Pima County shall decide whether this system will be conveyed to public ownership, or operated as a private sewer system by the owner.
 - D. The owner shall prepare a study of the sewer basin at his or her sole expense for the purposes of determining the routing and sizing of all off-site and on-site private or public sewer facilities necessary to provide both conveyance and treatment capacity and service to the rezoning area, and/or for the purpose of conceptual phasing of a pump station. The owner shall fund, design and construct the necessary wastewater collection, conveyance and treatment facility improvements necessary to serve the rezoning area, as determined by the basin study.
 - E. If Pima County allows the conveyance system to be public, the rezoning area may be sewered using public sewers, if and only if the owner meets the following conditions:
 - 1) The owner may fund, design and construct 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 Pima County Regional Wastewater Reclamation Department.
 - 2) Upon approval of the basin study, the owner shall enter into a master sewer service agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system and their timing.
 - 3) A sewer master sewer service agreement must be approved by the Pima County Regional Wastewater Reclamation Department prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit.

- 4) Should the rezoning area be serviced to the Corona de Tucson Wastewater Treatment facility, the owner shall provide all weather, unrestricted vehicular access to all new public sewer manholes within the rezoning area. The owner shall obtain all necessary public sewer easements within the rezoning area prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit at his / her own expense.
- F. No more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, the owner shall obtain written documentation that sanitary sewerage treatment and conveyance capacity for the proposed development will be available when needed to serve the development.

7. Environmental Planning conditions:

- A. 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, including those below. 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

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

8. Cultural Resources condition: Archaeological field inspections (submitted with the Site Analysis Appendix C) resulted in a finding of cultural resources on the subject property. The reports did not include a Significance Assessment of sites--However, it appears that the sites may not be eligible for listing in the NRHP. Formal review and submittal of survey report(s) to Office of Sustainability and Conservation will be required at the time of the master block plat.

9. Parks and Recreation conditions:
- A. Construct the Wilmot Road Greenway G053 trail using the Pima County Greenwaycross-section.
 - B. With the submittal of a subdivision plat, a recreation area plan shall be submitted and meet the requirements of the Pima County Zoning Code, Section 18.69.090.
 - C. Construct internal, non-vehicular circulation that will link the residential development blocks.
- ~~9-10.~~ Adherence to the preliminary development plan as approved at public hearing. A maximum of 800 dwelling units is allowed.
- ~~10-11.~~ The planning and development of the subject site shall occur such that transportation, wastewater, recreational, and other major infrastructure, and the protection of riparian areas and other natural resources are integrated and coordinated.
- ~~11-12.~~ Parcel code 305-23-0260 shall be developed at an average density of four residences per acre per the comprehensive plan amendment resolution 2009-240. The density calculation is based upon lot area.
- ~~12-13.~~ A mix of housing types shall be provided to insure a diverse community. Residential densities shall support multi-modal transportation opportunities including public transit even if such transit facilities are not currently in close proximity.
- ~~13-14.~~ The subject site shall be surveyed for presence of the Pima pineapple cactus and its habitat. Surveys shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish and Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services prior to master block plat approval. If Pima Pineapple cactus are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game and Fish Department's Heritage Data Management System.
- ~~14-15.~~ The owner shall provide a 50-foot bufferyard and one row of single-story homes along the northern boundary and a 100-foot bufferyard and one row of single-story homes along the southern boundary of the subject properties and abutting the Mann Avenue frontage in adherence with the preliminary development plan.
- ~~16.~~ No recreation areas, parks, playgrounds, bike paths, or walking trails shall be located within the perimeter bufferyards.
- ~~15-17.~~ 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.
- ~~16-18.~~ 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** (8 – 1; Commissioner Bain **ABSTAINED** (abstain counts as a **YES** vote), Commissioner Gungle voted **NAY**, Commissioner Cook was absent)

7) **P16RZ00009 KING CONE, LLC – N. ORACLE ROAD REZONING**

Request of **King Cone, LLC**, represented by **Urban Engineering**, for a rezoning of three parcels containing approximately 3.54 acres from the SH (GZ1) (Suburban Homestead-Gateway Overlay) zone to the CB-2 (GZ1) (General Business-Gateway Overlay) zone, on property addressed as 15605, 15621, and 15625 N. Oracle Road located approximately 260 feet west of N. Oracle Road and approximately 300 feet south of the intersection of N. Oracle Road and N. Lupine Place. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Multifunctional Corridor.

Voted: To recommend **APPROVAL** subject to Standard and Special Conditions as amended.

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation condition: Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit or Subdivision Plat.
4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
5. 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.

6. Adherence to the preliminary development plan as approved at public hearing.
7. All lighting sources within 50 feet of the southern property boundary shall be located at a maximum height of 5 feet.
- ~~7.8.~~ 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.
- ~~8.9.~~ 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** (9 – 0; Commissioner Cook was absent)

- 8) **P16RZ00010 6500 WESTOVER AV LLC - S. WESTOVER AVENUE REZONING**
Request of **6500 Westover Av LLC**, represented by **The WLB Group Inc.**, for a rezoning of approximately .91 acres from GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone, located on the southwest corner of W. Valencia Road and S. Westover Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property Multifunctional Corridor. (District 5)

Voted: To recommend **APPROVAL** 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. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:

- A. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
 - B. The property shall be limited to the existing access point on Westover Avenue and one off-site shared access drive with the property to the west on Valencia Road.
4. Regional Wastewater Reclamation conditions:
- A. The owner 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 to that effect.
 - B. The owner 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 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 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 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 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 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 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
6. Cultural Resources condition: OSC review of submitted application has determined that the proposed development project has a potential to negatively affect significant

cultural and/or historic resources. Cultural resources survey is required to assess archaeological site AZ AA:16:59(ASM) before clearance can be issued for the proposed development project. The applicant and/or project proponent should contact OSC at 520-724-6940, or email: Cultural.Resources.DSD@pima.gov, for assistance in complying with pertinent County, State, and/or Federal cultural resources requirements.

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 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(1)."

The motion **PASSED** (9 – 0; Commissioner Cook was absent)

ZONING CODE TEXT AMENDMENT:

9) INITIATION OF ZONING CODE TEXT AMENDMENT – SITE ANALYSIS REQUIREMENTS

INITIATION OF ZONING CODE TEXT AMENDMENT TO: 1) UPDATE, REORGANIZE, AND SIMPLIFY THE SITE ANALYSIS APPLICATION INSTRUCTIONS AND REQUIREMENTS; 2) ADD AND DELETE SOME SITE ANALYSIS APPLICATION INSTRUCTIONS AND REQUIREMENTS; 3) ALLOCATE SOME OF THE PREVIOUS SITE ANALYSIS REQUIREMENTS TO STAFF TO PROVIDE; 4) UPDATE AND CLARIFY THE STEP OF “DETERMINING A SITE ANALYSIS TO BE COMPLETE”; AND, 5) STREAMLINE THE SITE ANALYSIS APPLICATION SUBMITTAL PROCESS.

Voted: To **APPROVE** initiation of zoning code text amendment to update the site analysis application instructions and requirements.

The motion **PASSED** (9 – 0; Commissioner Cook was absent)

10) NEW BUSINESS

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

11) ADJOURNMENT

Meeting was adjourned at 12:36 p.m. on motion by Commissioner Eddie Peabody, Jr.