



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Raymond J. Carroll, Supervisor, District # 4

FROM: Arlan M. Colton, Planning Director *AMC*

DATE: February 4, 2015

SUBJECT: Co9-09-01 VAIL UPRR SOUTH LLC, ET AL – ROCKET ROAD REZONING

The above referenced Rezoning Time Extension within your district is scheduled for the Board of Supervisors' **FEBRUARY 17, 2015** hearing.

REQUEST: For a five-year time extension of a rezoning from RH (Rural Homestead) to CR-5 (Multiple Residence) (158 acres).

<u>OWNER:</u>	Vail UPRR South LLC	Vail UPRR Russo LLC
	PO Box 64132	PO Box 64132
	Tucson, AZ 85728-4132	Tucson, AZ 85728-4132

AGENT: The Lenihan Company
Attn: Stephen J. Lenihan
1050 E. River Road, Suite 300
Tucson, AZ 85718

DISTRICT: 4

STAFF CONTACT: Artemio Hoyos

PUBLIC COMMENT TO DATE: As of February 4, 2015, no written public comments have been received.

STAFF RECOMMENDATION: APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/AH/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-09-01

Page 1 of 11

FOR FEBRUARY 17, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director *AMC*
Development Services Department-Planning Division

DATE: February 4, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-09-01 VAIL UPRR SOUTH LLC, ET AL – ROCKET ROAD REZONING

Request of Vail UPRR South LLC, represented by the Lenihan Company, for a five-year **time extension** for the above-referenced rezoning of approximately 158 acres from RH (Rural Homestead Zone) to CR-5 (Multiple Residence Zone). The subject site was rezoned in January 2010 and the rezoning expired on January 19, 2015. The property is located on the eastern terminus of Rocket Road, approximately 1,000 feet west of Old Vail Road. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH STANDARD AND SPECIAL CONDITIONS.**
(District 4)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a **five-year rezoning time extension** to January 19, 2020 for the 158 acres from RH (Rural Homestead) to CR-5 (Multiple Residence) with modified standard and special conditions.

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
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 Development Services Department, Document Services.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Offsite improvements to Colossal Cave Road shall be provided by the property owner/developer, as determined necessary by the Department of Transportation.
 - B. The property owner/developer shall provide for and construct paved, legal access from the east boundary of the site to Colossal Cave Road (Segment 1, as shown on Exhibit II.K.2 of the site analysis), or other means of paved legal access, as approved by the Department of Transportation. The roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, shoulders and an ADA acceptable pedestrian/bicycle path on one side of the roadway. The property owner/developer may be required to continue the pedestrian access south to Acacia Elementary if no pedestrian access exists at the time of improvement plan review.
 - C. The property owner/developer shall provide for and construct a major collector within the site, between the eastern property boundary and the easternmost road within Block 2 (Segment 2, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes, one center turn lane and two bike lanes, with curb and sidewalk or path on one side.

- D. The property owner/developer shall provide for and construct a residential collector within the site, between the west property boundary and the easternmost street within Block 2 (Segment 3, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, with curb and sidewalk or path on one side.
 - E. The property owner/developer shall provide for and construct onsite turnaround for the interior collector until such time that a through connection is provided, as required by the Department of Transportation.
 - F. Through access shall be provided to the west and south of the rezoning by the owner/developer.
 - G. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to the Pima County Development Review Section prior to the approval of the final plat.
8. Flood Control conditions:
- A. The property owner/developer shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - B. Trail and drainage channels must be separate.
 - C. A riparian mitigation plan shall be required for development in designated riparian areas.
 - D. The property owner/developer shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&Rs.
 - E. Low Intensity Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.
 - F. The property owner/developer shall submit a signed letter of intent to serve from the Vail Water Company with the submittal of the tentative plat.

9. Wastewater Management Reclamation conditions:
- A. The property owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The property owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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 Pima County Regional Wastewater Reclamation Department.
 - C. The property owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The property owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - E. The property owner/developer shall fund, design, and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - F. The property owner/developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - G. The property owner/developer shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the

tentative plat, development plan, sewer construction plan or request for building permit.

- H. The property owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Environmental Quality condition:
- A. The property owner/developer must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
 - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
11. Natural Resources, Parks and Recreation conditions:
- A. The property owner/developer shall provide a five-foot paved pedestrian path within the proposed 90-foot right-of-way along the northern boundary of the project to its intersection with Colossal Cave Road.
 - B. This project shall provide 871 square feet of recreation area per lot. The 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 the overall trail system and for each subdivision block. Each block shall meet the recreation requirements as stated in section 18.69.090 and the Recreation Area Design Manual.
12. Environmental Planning conditions:
- A. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. 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.

- B. The following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:

Maintenance of Common Area by Association: The HOA shall be responsible for the removal of buffelgrass from Common Areas.

Maintenance of Lots by Owners: Lot Owners shall keep private lots free of buffelgrass.

~~Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.~~

~~**Invasive Non-Native Plant Species Subject to Control:**~~

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

13. Noise abatement conditions:
 - A. Residences in the first row of lots along the northern boundary of the site shall be built to have an exterior building envelope sound Transmission Class such that the interior noise levels that are due to exterior noise shall not exceed 45 dBA.
 - B. Walls constructed along the northern boundary of the site, in proximity to the access road, shall be at least six feet in height.
14. ~~The property owner/developer shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.~~
- 14.15. In the event the subject property is annexed, the property 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.
- 15.16. 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 to 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)."
- 16.17. Adherence to the preliminary development plan as approved at public hearing.
- 17.18. The property owner/developer shall coordinate development of the property with Kinder-Morgan and shall adhere to Kinder-Morgan's design and construction guidelines as they apply to the area of the Kinder-Morgan easement(s) along the northern portion of the property.

STAFF REPORT:

Staff supports the requested five-year time extension to January 19, 2020. The proposed 688 single-family residential development still meets all applicable concurrency of infrastructure criteria, lies outside of the Maeveen Marie Behan Conservation Lands System, and conforms to the Medium Intensity Urban (MIU) comprehensive plan designation of the site. The proposed development is compatible with the type and density of existing adjacent and nearby developments. The overall project density is 4.3 dwelling units per acre (RAC), similar to that of the Rancho del Lago Specific Plan development,

Co9-06-12 (Grant Road Lumber Co Profit Sharing Plan – Rocket Road Alignment Rezoning, 30.85 acres) and Co9-07-18 (Vail UPRR North, LLC – Rocket Road Rezoning, 43.9 acres) directly north of the subject property on the north side of the UPRR tracks.

Access to the site will be from a proposed road across State Land that will intersect Colossal Cave Road approximately ¼-mile south of the railroad and will extend along the entire length of the project to allow future connections to Houghton Road when areas to the west of the site are developed. Bike lanes and a pedestrian path will be included with the road improvements, providing access to the schools and commercial areas located on Colossal Cave Road, and about 12 acres will be provided for recreation, including parks, trails and multi-use drainage facilities.

The applicants proposed several measures to mitigate the potential noise impacts related to the project's proximity to the Union Pacific Railroad tracks. These measures are included as Condition #13.

Given the site's low-density vegetation, existing disturbance, and the effects of the adjacent railroad, nearby residential development, and Interstate 10, the proposed change in land use will likely have little impact on important environmental resources.

Staff recognizes the downturn in market conditions as a factor in the delay in completion of the rezoning conditions. Overall, there has been substantial progress towards completing the rezoning conditions.

The applicant or owner/developer has:

- Obtained the approval of Vail Water Company to serve the property;
- Completed a multi-year process in obtaining a sewer right-of-way from the State Land Department and obtaining offsite sewer easements from three private property owners;
- Completed preparation of the offsite sewer plans through the State Land Department right-of-way and two of three private sewer easements;
- Obtained no jurisdictional waters letters from the U.S. Army Corp of Engineers with respect to all project-related properties;
- Neared the end of the process to acquire an offsite access roadway with public utilities from the State Land Department, which will connect the property with Colossal Cave Road;
- Neared the end of the process to acquire the necessary ROW from the State Land Department for a pedestrian path connecting the property with Acacia Elementary School; and
- Neared the end of the process to acquire a triangle of land from the State Land Department, which is needed to design and construct the residential collector road along the Union Pacific Railroad right-of-way.

Staff recommends some modifications to the existing rezoning conditions, including Environmental Planning Condition #12 as an update pertaining to requirements for buffelgrass and invasive species outside the Conservation Land System. Condition #14, pertaining to contributions to the affordable housing trust fund, is recommended for deletion due to a change in County policy related to monetary exactions.

Denial of the time extension will cause the rezoning case to be closed and the site to revert to unrestricted RH (Rural Homestead) zoning. RH does not conform to the site's Comprehensive Plan Land Use designation. Closure of the rezoning would not preclude the possibility of a similar future rezoning. If the time extension is approved, a resolution will be forwarded to the Board of Supervisors for adoption to memorialize the new conditions and rezoning time limit.

SURROUNDING LAND USES/GENERAL CHARACTER:

North:	GR-1, CR-5, RH, SP	Union Pacific Railroad, vacant, single-family residences, mobile homes
South:	RH, CB-1, CB-2	Vacant State Land Trust, retail center, elementary school
East:	RH, CB-2, CI-1, CI-2, SP	Union Pacific Railroad, vacant, high school, middle school, single-family residences
West:	RH City of Tucson	Vacant State Trust Land

There has been no change in zoning in the vicinity of the site since the initial rezoning approval. The western section of the Rancho del Lago specific plan just west of Mary Ann Cleveland Way has been built-out. The Vista del Lago subdivision adjacent to Rancho del Lago is underway. No significant industrial or commercial development near the project site has been constructed.

CONCURRENCY CONSIDERATIONS		
Department	Concurrency Considerations Met: Yes / No / N/A	Other Comments
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS & RECREATION	Yes	No objection
WATER	Yes	No objection
SCHOOLS	Yes	No objection
AIR QUALITY	N/A	No response

TRANSPORTATION DEPARTMENT REPORT:

The Department of Transportation has no objection to the time extension and does not recommend any changes to the conditions at this time. (See attachments)

REGIONAL FLOOD CONTROL DISTRICT REPORT:

The Pima County Regional Flood Control District has no objection or additional conditions to recommend. The current conditions should be continued.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:

The subject property is within the area currently served by Pima County's public sewer system and is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor and Northwest Outfall. The project proposes to connect to the existing 15-inch public sewer line (G-99-160) in Mary Ann Cleveland Way located to the north of the property.

This property requested and received a capacity determination in 2008 which has expired and needs to be re-determined. The applicant or owner/developer shall **obtain an update to the Type I capacity determination letter stating that conveyance system capacity for the project is available in the downstream public sewerage system and provide a copy of that letter to this office.**

This letter is not a commitment of treatment or conveyance capacity allocation. Capacity allocation is accomplished by building the sewers necessary to serve the proposed development, in accordance with terms and conditions of a formal Sewer Service Agreement that is normally prepared during the development plan or subdivision plan review process. If conditions change between now and the time a development plan or tentative plat is submitted, the property owner/developer may be required to augment the existing public sewerage system in order to provide adequate treatment and conveyance capacity for this rezoning. (See attachment)

DEPARTMENT OF ENVIRONMENTAL QUALITY REPORT:

No comments received.

NATURAL RESOURCES, PARKS AND RECREATION DEPARTMENT REPORT:

NRPR has no objection to the time extension request and has no additional conditions.

VAIL WATER COMPANY:

The Vail Water Company does not have any comments or objections.

RURAL/METRO FIRE DEPARTMENT:

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and has no objections to the rezoning time extension request.

As the development continues into the plan stage, the applicant will be required to submit plans to our fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinkler systems and all other applicable fire code requirements. As of April 7, 2007 the 2003 edition of the International Fire Code shall be the applicable fire code for this project. (See attachment)

UNITED STATE FISH AND WILDLIFE SERVICE COMMENTS:

No comments received.

VAIL SCHOOL DISTRICT

The school district has no concerns with the rezoning being extended.

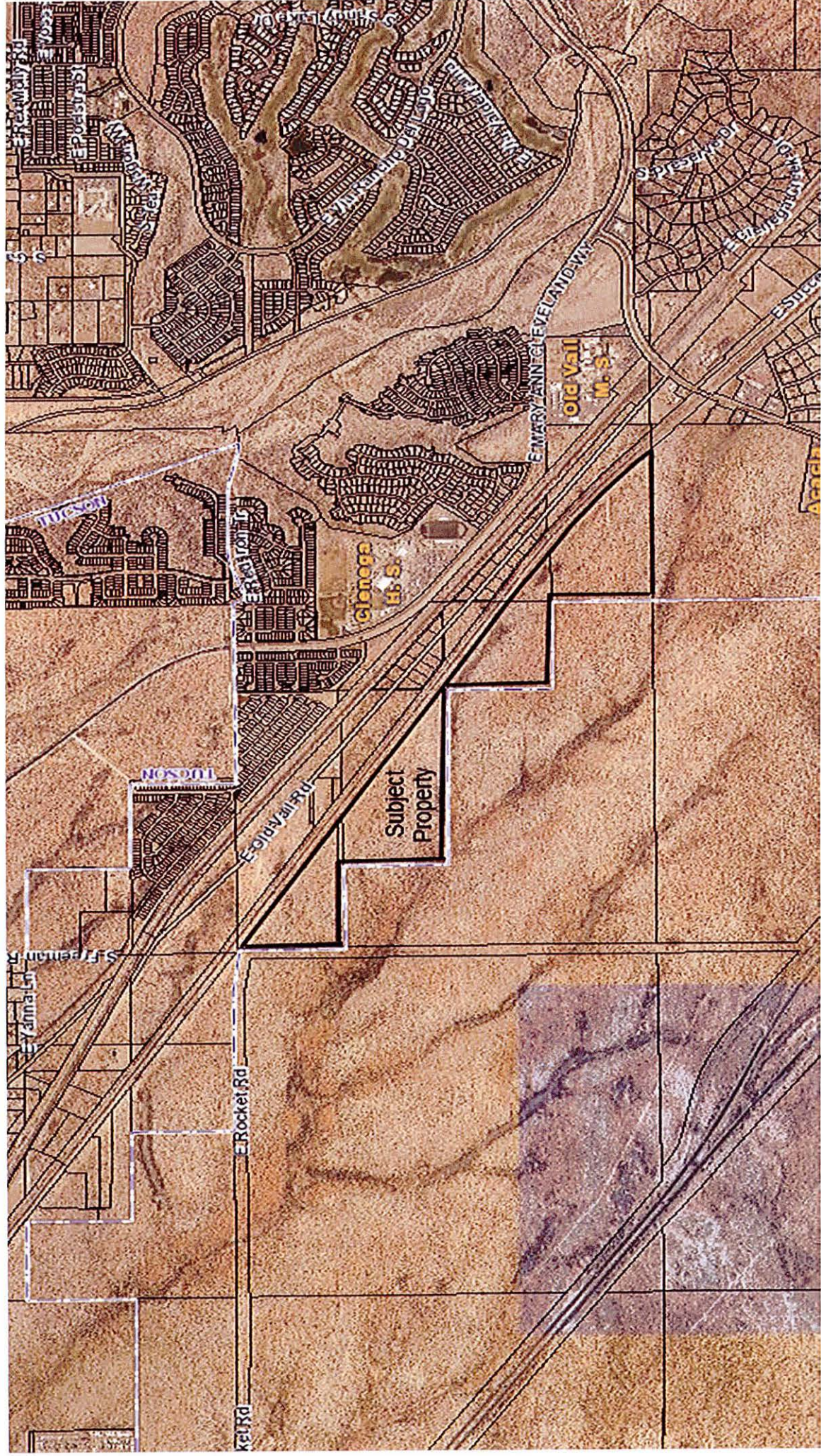
PUBLIC COMMENTS:

To date, no written public comments have been received.

CP/AH/ar
Attachments

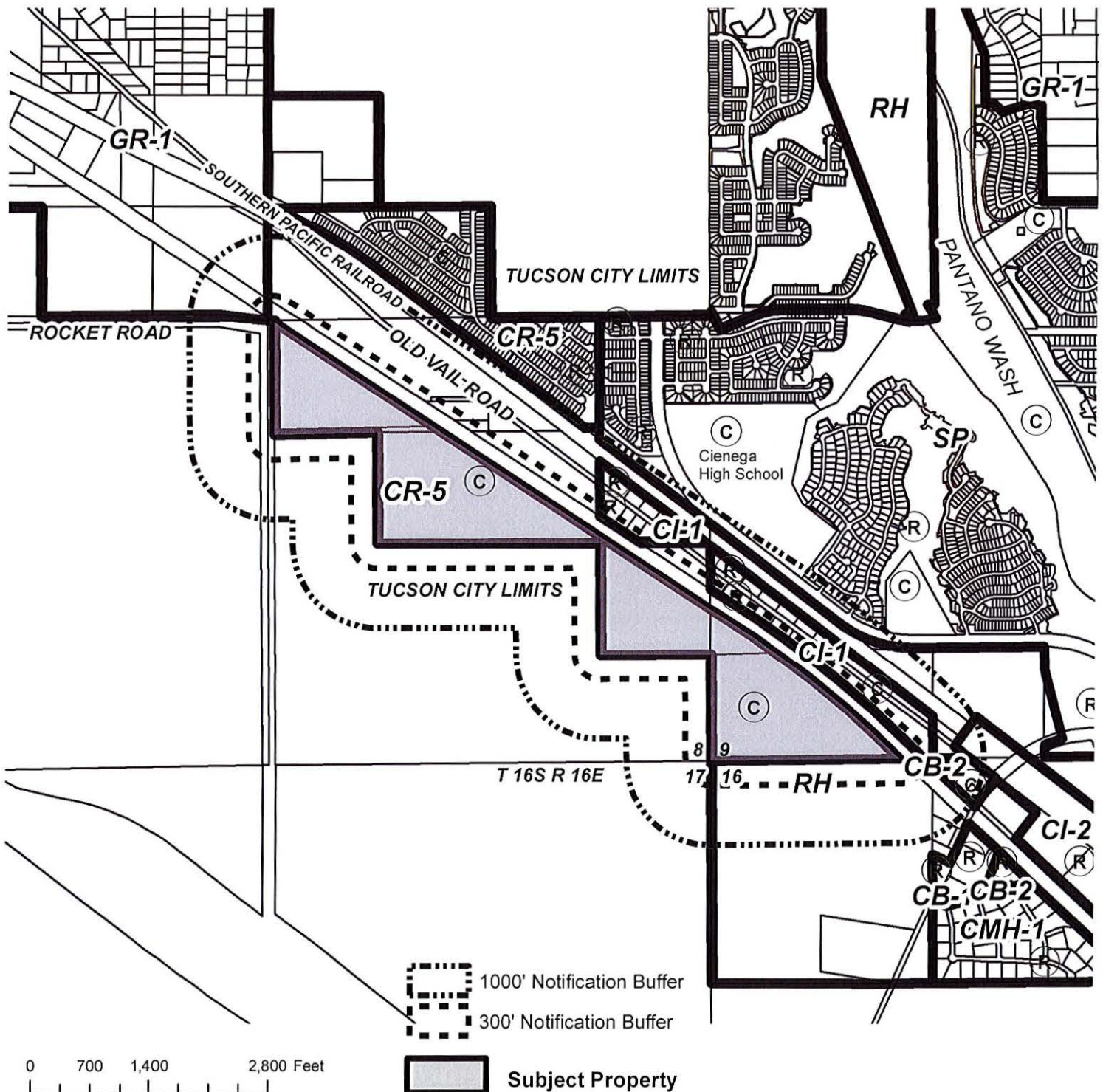
c: Vail UPRR South LLC, PO Box 64132, Tucson, AZ 85728-4132
Vail UPRR Russo LLC, PO Box 64132, Tucson, AZ 85728-4132
The Lenihan Company, Attn: Stephen J. Lenihan, 1050 E. River Road, Suite 300
Tucson, AZ 85718
Chris Poirier, Assistant Planning Director
Co9-09-01 File

Aerial



Case #: CO9-09-001 VAIL UPRR SOUTH LLC, ET AL - ROCKET ROAD REZONING

Tax Code(s): 305-08-001H, 002F, 002G, 004D, 005K and 305-01-001X & 0020



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



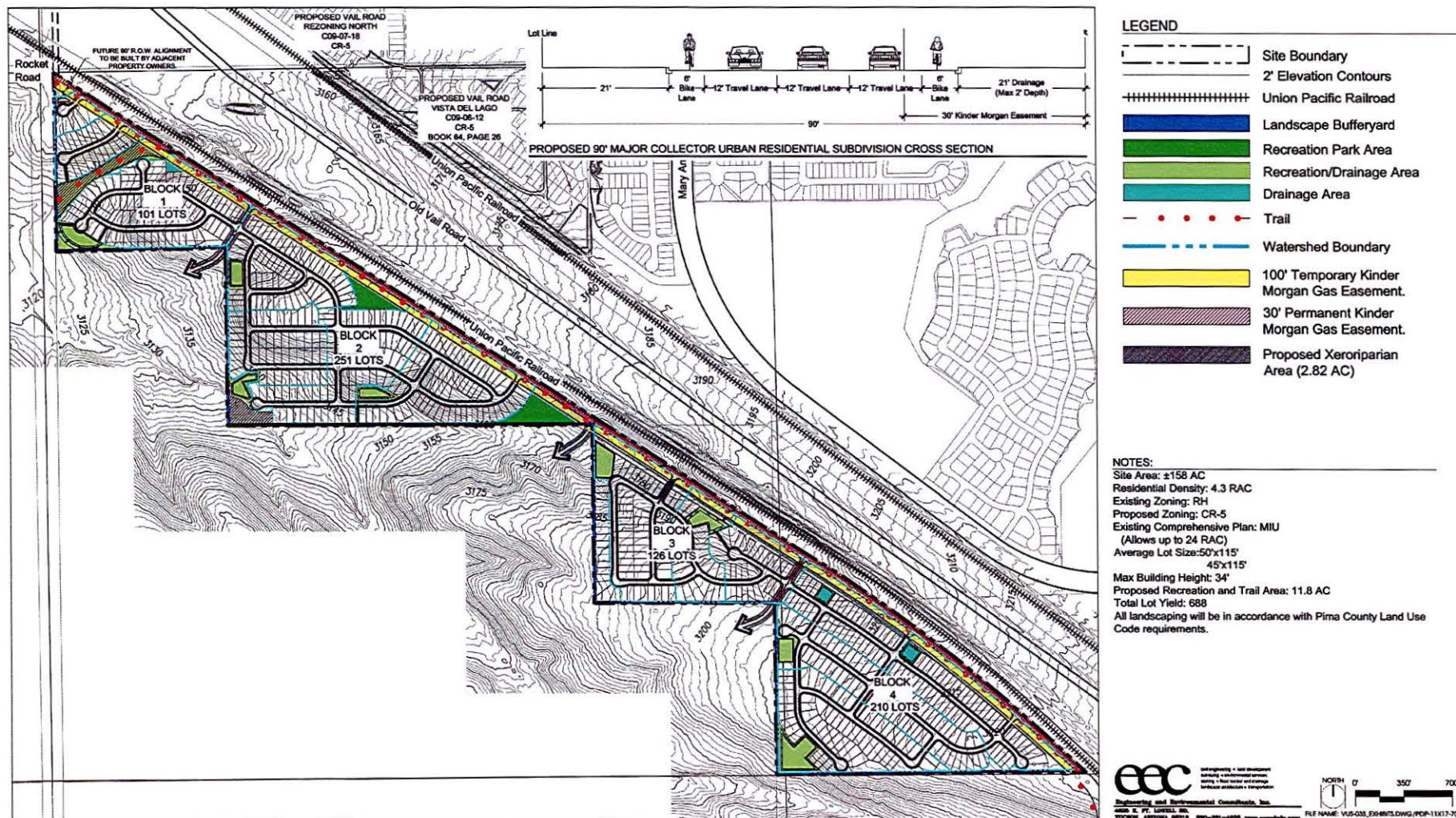
	Notes: TIME EXTENSION				
	Board of Supervisors Hearing: 2/17/15				
	Base Map(s): 184, 185	Map Scale: 1:20,000	Map Date: 01/12/2015		

EXHIBIT II.B: Preliminary Development Plan (overall)



**VAIL UPRR SOUTH, L.L.C.
VAIL UPRR RUSSO, L.L.C.**

1050 E. River Road, Suite 300
Tucson, Arizona 85718
(520) 293-1702 / Fax (520) 293-0539
Email: slenihan@usa.net

RECEIVED
DEC 02 2014

FW:

November 25, 2014

REZONING EXTENSION REQUEST

VIA EMAIL AND U.S. MAIL

Mr. Chris Poirier
Pima County Development Services
201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701
Thomas.Coyle@pima.gov

Re: Old Vail Road South Rezone
Co9-09-01 Vail UPRR South, LLC, et al.
Rocket Road Rezoning
Property Tax Code Nos: 305-10-0020, 305-10-001X, 305-08-005K, 305-08-001H, 305-08-004D, 305-08-002F, and 305-08-002G

Dear Chris,

Please accept this letter as our request to extend the above-referenced rezoning for five (5) years until January 19, 2020.

We have made the following progress with respect to the project and the rezoning conditions: (1) we have obtained no jurisdictional waters letters from the U.S. Army Corp of Engineers with respect to the property and the Arizona State Land Department (ASLD) right-of-way as well as the offsite sewer easements, (2) we have caused to be prepared archeological studies with respect to the same ASLD right-of-way and offsite sewer easements, (3) we have caused to be prepared a preliminary riparian mitigation plan, (4) we have obtained the approval of Vail Water Company to serve the property, (5) we have completed a multi-year process in obtaining a sewer right-of-way from the ASLD and obtaining offsite sewer easements from three private property owners, (6) we have completed preparation of the offsite sewer plans through the ASLD right-of-way and two of the three private sewer easements, (7) we have caused to be done pothole testing in the Union Pacific right-of-way where the offsite sewer would be constructed through a jacking and boring process, (8) we are near the end of a process to acquire an offsite access roadway with public utilities from the ASLD which will connect the property with Colossal Cave Road, (9) we are also near the end of a process to acquire the necessary ROW from the

Mr. Chris Poirier
Pima County Development Services
November 25, 2014
Page 2

ASLD for a pedestrian path connecting the property with Acacia Elementary School, and (10) we are near the end of a process to acquire a triangle of land from the ASLD which is needed in order to design and construct the residential collector road along the Union Pacific Railroad right-of-way.


The ownership of the property has not changed since the approval of the rezoning.

In connection with our request, I have enclosed our checks totaling \$20,281.50, representing the residential rezoning fee of \$19,507.50 plus the hearing fee of \$774.00. Also enclosed is a copy of an updated Biological Impact Report for the property.

Please advise if you need anything else from us in order to process the rezoning extension. Thank you very much.

Sincerely,

VAIL UPRR SOUTH, L.L.C.
VAIL UPRR RUSSO, L.L.C.



Stephen J. Lenihan, President of the
Lenihan Company, Manager

SJL:nsa

Enclosures

Cc: Mr. Artemio Hoyos (via email to: Artemio.Hoyos@pima.gov)
Mr. Duff C. Hearon (via email to: dhearon@ashlandgroup.net)

Old Vail Road South Rezoning Biological Impact Report November 2010



THE PLANNING CENTER
a division of TPC Group, Inc.
110 S. Church, Ste. 6000 Tucson, AZ 85701

Biological Impact Report

Rezone South of Old Vail Road Adjacent to the Union Pacific Railroad Tracks

Prepared for:

**Pima County Development
Services Department
Planning Division**
201 North Stone
Tucson, Arizona 85701

Project applicant:

Vail UPRR SOUTH II, L.L.C.
1050 East River Road, Suite #300
Tucson, Arizona 85718
Phone (520) 293-1702
Fax (520) 293-0539

Prepared by:

The Planning Center
110 South Church, Suite 6320
Tucson, Arizona 85701
Phone (520) 623-6146
Fax (520) 622-1950



November 14, 2014
Co9-09-01, Vail UPRR South LLC, et al
Rocket Road Rezoning

INTRODUCTION	2
A. LANDSCAPE RESOURCES	5
1. CONSERVATION LAND SYSTEM	5
2. CRITICAL LANDSCAPE LINKAGES	5
3. HABITAT PROTECTION OR COMMUNITY OPEN SPACE	5
B. FEDERALLY LISTED THREATENED AND ENDANGERED SPECIES	7
1. CFPO PRIORITY CONSERVATION AREA	7
2. CFPO SURVEY	7
a. <i>Survey Date</i>	7
b. <i>Future Surveys</i>	7
1. WESTERN BURROWING OWL PRIORITY CONSERVATION AREAS	7
2. WESTERN BURROWING OWL SURVEY	7
a. <i>Survey Date</i>	7
b. <i>Future Surveys</i>	7
1. PIMA PINEAPPLE CACTUS PRIORITY CONSERVATION AREAS	7
2. PRESENCE OF PIMA PINEAPPLE CACTUS ON-SITE	8
3. PIMA PINEAPPLE CACTUS SURVEY	8
a. <i>Survey Date</i>	8
b. <i>Future Surveys</i>	8
1. NEEDLE-SPINED PINEAPPLE CACTUS PRIORITY CONSERVATION AREAS	8
2. PRESENCE OF NEEDLE-SPINED PINEAPPLE CACTUS ON-SITE	8
3. NEEDLE-SPINED PINEAPPLE CACTUS SURVEY	8
a. <i>Survey Date</i>	8
b. <i>Future Surveys</i>	8

EXHIBITS

EXHIBIT 1: LOCATION MAP	3
EXHIBIT 2: AERIAL PHOTOGRAPH	4

TABLES

TABLE I: BLOCK CHARACTERISTICS	2
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INTRODUCTION

This Biological Impact Report (BIR) is support documentation of the rezoning application for 159 acres subject property located in the southeast central Vail area of Pima County, south of Old Vail Road and the Union Pacific Railroad (UPRR), east of Rocket Road and west of Colossal Cave Road. A rezoning from RH (Rural Homestead) to CR-5 small lot option (Multiple Residence Zone) is requested for development of the site. There are seven parcels included in this rezoning. To better illustrate the site characteristics of the parcels, the smaller parcels will be grouped with adjoining larger parcels. The parcel groupings will be referred to numerically from south to north as Blocks 1, 2, 3, and 4.

The acreage, property ownership and Pima County Assessor's Parcel number is indicated in Table 1 below.

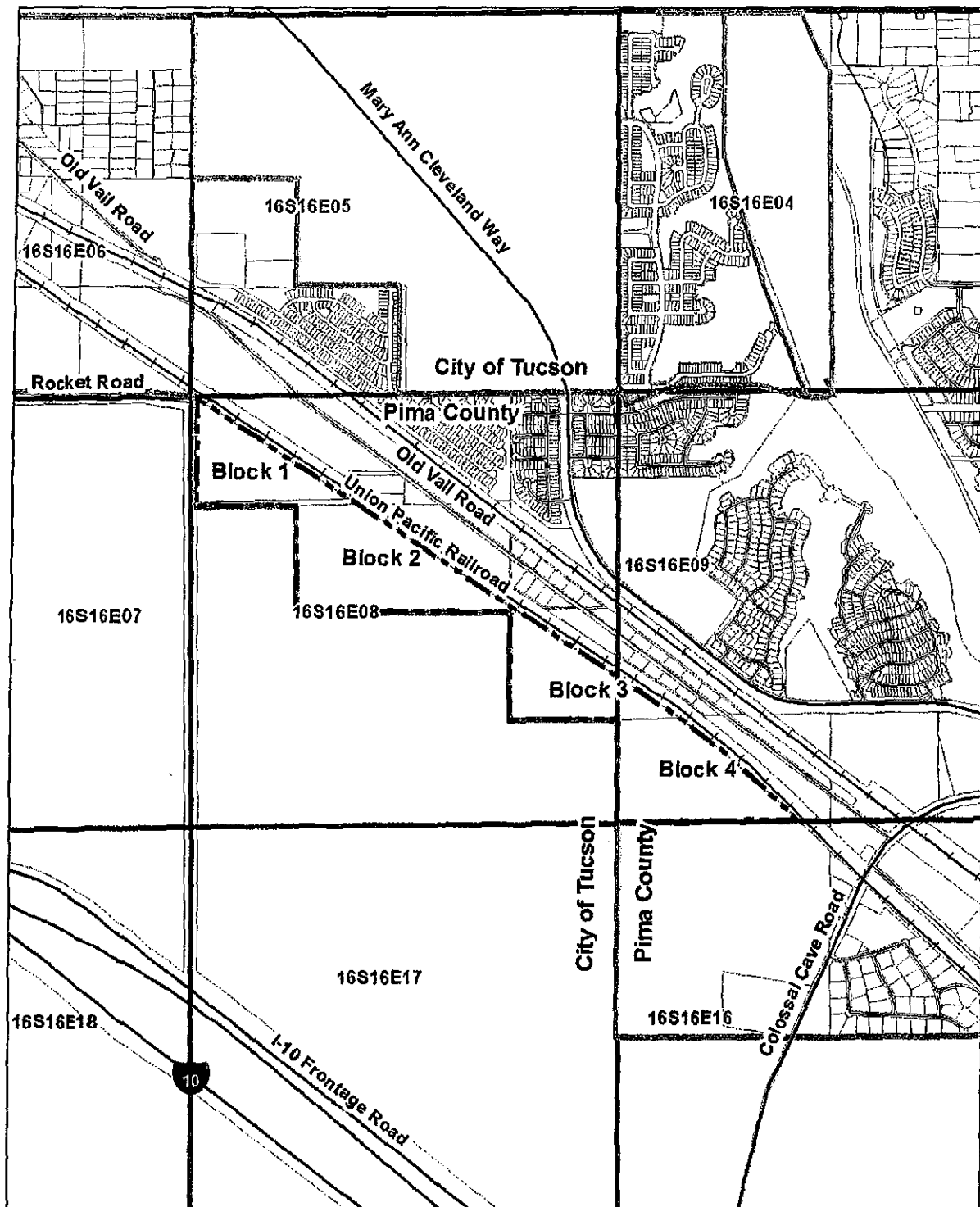
Table 1: Block Characteristics

Block Identification	Assessors Parcel Number	Acreage	Owner
1	305-08-002G;	26.81	Vail UPRR Russo LLC
	305-08-002F	2.64	Pabst Family LP & Jofroy Rudolpho & Weissman Roger D
2	305-08-004D;	51.78	Vail UPRR South LLC
	305-08-001H;	.03	Vail UPRR South LLC
3	305-08-005K	27.56	Vail UPRR South, LLC
4	305-10-001X	3.84	Vail UPRR South LLC
	305-10-0020	45.54	Vail UPRR South LLC
Total		158.24	

The Pima County Sonoran Desert Conservation Plan (SDCP) MapGuide Map website was consulted to determine the absence or presence of biological resources on-site, pursuant to the document entitled *Pima County Development Services Biological Impact Report Interim Policy*, issued by Pima County (April 2003).



Exhibit 1: Location Map



Legend

- Site Boundary
- Township, Range, and Section
- Union Pacific Railroad
- Jurisdictional Limits

Project Site is located at:
Township 16S, Range 16E, and Sections 8 & 9

Acreage: Approx. 158 AC

Parcel ID #s:
305-10-0020, 305-10-001X, 305-08-005K,
305-08-001H, 305-08-004D, 305-08-002F,
305-08-002G



0' 1,000' 2,000'

File Name: VUS-03S_Location
Source: Pima County GIS, 2014



January 26, 2015

Planning Division
Pima County Development Services Department
Attn: Artemio Hoyos
201 N. Stone Ave. 2nd Floor
Tucson, AZ 85701

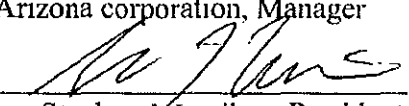
Reference: Pima County Rezoning Case No. Co9-09-01 Vail UPRR South LLC, et al
– Rocket Road Rezoning

Dear Sirs:

We hereby authorize Stephen J. Lenihan and Duff C. Hearon, or either of them, to act on our behalf in connection with our request for the extension of the above-referenced rezoning.

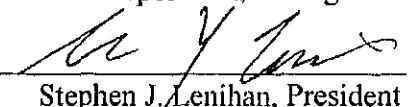
Sincerely,

VAIL UPRR SOUTH, L.L.C.,
An Arizona limited liability company
By: THE LENIHAN COMPANY,
An Arizona corporation, Manager

By: 
Stephen J. Lenihan, President

The Managers of Vail UPRR South, L.L.C. are The Lenihan Company and Ashland Group, L.L.C. The Members of Vail UPRR South, L.L.C. are The Lenihan Company, an Arizona corporation, and Ashland Group Millennium, L.L.C. an Arizona limited liability company, Matthew Hanson and Maureen Gray Hanson, husband and wife, Alfred A. and Astrid S. Pabst, husband and wife, Roger D. Weissman and Judith M. Weissman, as Trustees of the Weissman Family Revocable Trust dated January 14, 1997, and Rodolfo Alejandro Joffroy.

VAIL UPRR RUSSO, L.L.C.,
An Arizona limited liability company
By: THE LENIHAN COMPANY,
An Arizona corporation, Manager

By: 
Stephen J. Lenihan, President

January 26, 2015
Mr. Artemio Hoyos
Pima County Planning
Co9-09-01

The Managers of Vail UPRR Russo, L.L.C. are The Lenihan Company and Ashland Group, L.L.C. The Members of Vail UPRR South, L.L.C. are The Lenihan Company, an Arizona corporation, and Ashland Group Millennium, L.L.C. an Arizona limited liability company, Alfred A. and Astrid S. Pabst, husband and wife, Roger D. Weissman and Judith M. Weissman, as Trustees of the Weissman Family Revocable Trust dated January 14, 1997, and Rodolfo Alejandro Joffroy.



DEPARTMENT OF TRANSPORTATION
201 NORTH STONE AVENUE, FOURTH FLOOR
TUCSON, ARIZONA 85701-1207

PRISCILLA S. CORNELIO, P. E.
DIRECTOR

(520) 724-6410
FAX (520) 724-6439

Memorandum

Date: January 23, 2015
To: Artemio Hoyos, Planner, Pima County Development Services
From: Jeanette DeRenne, AICP, Principal Planner, Pima County Department of Transportation
Subject: Co9-09-01 Vail UPRR South, LLC

Transportation Concurrency Concerns have been met since roads are below capacity. Roadway safety and capacity projects are currently underway on Colossal Cave Road. The rezoning proposes 688 single family residences and could generate 6,600 to 6,900 ADT at build out. The Department of Transportation worked extensively during the initial rezoning and signed an agreement dated April 28, 2008 outlining the roadway connection requirements for this request.

Currently there is no paved access to the site. The owner/developer is in the process of acquiring right-of-way from the Arizona State Land Department to connect this project with Colossal Cave Road. This road will be a 90 foot wide major collector providing regionally significant access to the area between Freeman Road, Colossal Cave Road, the UPRR railroad and Interstate 10. There will be access from the collector to the area south of the site by providing two roadway connections to the major collector. Also, recent improvements in the area, plus additional future improvements will help to alleviate the congestion on Colossal Cave Road. The site is located south of the UPRR tracks between Houghton Road and Colossal Cave Road. Rocket Road and Freeman Road alignments are located at the western property boundary.

Improvements on Colossal Cave Road are underway from Acacia School to north of the railroad crossing. The plans will improve drainage, site distance and realign the existing railroad crossing of Colossal Cave Road and the roadway cross section is for a continuous center turn lane and two through lanes of traffic. Colossal Cave Road is a paved, county maintained, scenic major per the Major Streets and Scenic Routes Plan with 150 existing and planned right-of-way. The most recent traffic count on Colossal Cave Road is 10,637 ADT and the traffic capacity is 13,122 ADT.

Old Vail Road is an unpaved, county maintained, collector which extends west approximately 2 miles from Colossal Cave Road, in between the two sets of UPRR railroads. No access to Old Vail Road will be allowed directly from this site. Old Vail Road is currently unpaved. As adjacent properties are rezoned, developed or improved, offsite improvements will include paving and upgrading Old Vail Road.

Mary Ann Cleveland Way, between Colossal Cave and Houghton Roads, was completed in 2005. There is a continuous 150 feet right-of-way for Mary Ann Cleveland Road, which is both City and County maintained. It is a two lane wide, paved, rural minor arterial that is designated a scenic major

route per the City Major Streets and Routes Plan and Pima County Major Streets and Scenic Routes Plan, with a planned right-of-way of 150 feet. The current roadway was constructed in the north portion of the right-of-way to allow future expansion. The most recent traffic count for Mary Ann Cleveland Way is 8,197 ADT from 2014 and a traffic capacity of 15,930 ADT.

The planned future extension of Vail Vista Road south, with an overpass across UPPR railroads and further extension to Interstate 10, at a possible interchange, is part of the City of Tucson's long range plans. Vail Vista Road alignment is planned west of this proposed rezoning. No right-of-way dedication is required for this road. The extension and connection to Interstate 10 could eliminate much of the traffic burden on southern Colossal Cave Road.

As the a surrounding area develops, the opportunity to construct Rocket Road, Freeman Road and other regionally significant collector or arterial roadways will help to alleviate the overcapacity issues on Colossal Cave Road. Adjacent development will be allowed to connect to the 90 feet wide collector, which is also designed to allow others to provide capacity improvements if needed.

The Department of Transportation has no objection to the time extension and does not recommend any changes to the conditions at this time.

EXHIBIT II.K.1: Transportation Improvements Summary Letter

PSOMAS

Revised April 28, 2008
April 9, 2008

Ben Goff, P.E.
Deputy Director
Pima County Department of Transportation
201 N Stone Avenue, 5th Floor
Tucson, AZ 85701

Re: Summary of Vail UPRR South Transportation Improvements

Dear Mr. Goff:

Thank you for meeting with Steve Lenihan and me on April 8 to discuss the Vail UPRR project. The purpose of this letter is to memorialize our agreement in regards to the primary transportation infrastructure that will be required to develop the project while mitigating impacts to the community.

The Vail UPRR South project will consist of approximately 700 residential units and will be located west of Colossal Cave Road just south of the railroad tracks, as indicated in the attached site plan. The site plan also presents the proposed circulation/access plan and a preliminary subdivision layout. As shown, access will be provided by a new collector road that will run through State Trust land and connect to Colossal Cave Road at Trotter Sisters Drive.

For the purpose of our discussion, the primary collector road has been subdivided into three segments based on the traffic volumes and access density anticipated on each segment. Those segments (as shown in the site plan) are:

- Segment 1 - Colossal Cave Road to eastern site boundary. This 2,000-foot segment will be completely off-site in an undeveloped area and will not have any access points to the Vail UPRR South project.
- Segment 2 - Eastern site boundary to a point immediately west of easternmost access point to Block B. This segment is expected to serve volumes ranging between 2,000 and 7,000 vehicles per day and will provide access to the internal subdivision streets.
- Segment 3 - Western end of Segment 2 to western boundary of the site. This segment is anticipated to have less than 2,500 vehicles per day and will provide access to the internal subdivision streets.

10015 Vail Road
Suite 110
Tucson, AZ 85719
520.292.2300
520.292.1290 Fax
www.psomas.com



Exhibit II.K.1: Transportation Improvements Summary Letter (cont'd)*Ben Goff, P.E.**April 9, 2008**Summary of Vail UPRR South Transportation Improvements*

The following sections discuss the proposed roadway section for each of those segments:

Segment 1

As Segment 1 is needed to provide access to the property, it will be built in connection with the first phase development of the property. Segment 1 shall consist of a ninety-foot wide right-of-way and shall be constructed in accordance with Detail 5.3 (Major Collector-Rural Residential Subdivision) of the Pima County Subdivision and Development Street Standards, i.e., consisting of two twelve-foot travel lanes and two ten-foot shoulders, with six feet of each shoulder being paved. Since there will be no access to property in this segment and the land will remain undeveloped, a rural section will be used. Therefore, there will be no curbs or sidewalks.

Segment 2

Segment 2 shall be comprised of a ninety-foot wide right-of-way and shall be constructed in accordance with Detail 4.4 (Major Collector-Urban Residential Subdivision). Detail 4.4 shows two twelve-foot travel lanes, a twelve-foot left-turn lane, and two six-foot paved bike lanes for a total pavement width of forty-eight feet. Detail 4.4 also shows curbs and sidewalks on both sides of the road. However, per Section 4.1.2.2 of the Pima County Subdivision Development Street Standards, the sidewalk on one side can be waived for a single-loaded street. Since there will be no lots on the side of the road adjacent to the railroad, curb and sidewalk will only be provided on the subdivision side of the road.

Furthermore, in order to minimize the construction of unused sections of roadway, the owner may elect to construct this segment in two or more phases from east to west provided that the road always extends to a point that can serve all areas developed or being developed.

Segment 3

Segment 3 is expected to serve less than 2,500 vehicles per day, and as such, would be classified as a residential collector. Residential collectors without direct access to individual lots would normally consist of a forty-eight-foot wide right-of-way. However, to allow for future expansion of the roadway or extension to the west, the developer will provide a ninety-foot wide right-of-way. Segment 3 would be constructed in accordance with Detail 4.3 (Residential Collector-Urban Residential Subdivision) i.e., two fourteen-foot travel lanes with curb and sidewalk. Again, the developer will only build the curb and sidewalk on the subdivision side, not on the railroad side. If another development is constructed west of the Vail UPRR South project, the owners of that project would be responsible for widening the road to a major collector. Constructing the original residential collector on the south side of the right-of-way, and not having curb on the north side of the road would facilitate the expansion.

As with Segment 2, the owner may elect to construct this segment in two or more phases from east to west provided that the road always extends to a point that can serve all areas developed or being developed.



Exhibit II.K.1: Transportation Improvements Summary Letter (cont'd)

Ben Goff, P.E.
Summary of Vail UPRR South Transportation Improvements

April 9, 2008

Impact Fee Credits

The collector road associated with this project will be the only east-west road between I-10 and the railroad tracks in this area of Pima County. As such, it is likely to be extended west to Houghton Road in the future, becoming a regional route. Therefore, it is appropriate to consider the road for impact fee credits.

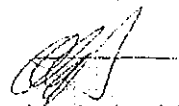
Based on our discussion, the developer will receive credit for the design, construction and all other eligible costs (excluding right-of-way) associated with the following infrastructure:

- Segment I of the collector road (approximately 2,000 feet off-site)
- Improvements at the intersection of the collector road and Colossal Cave Road including, but not limited to, turn lanes and other paving improvements, drainage, multimodal facilities, and signalization (when warranted).

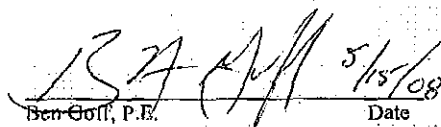
Please indicate your concurrence with the items discussed in this letter by signing in the lower right side of the page. We appreciate your proactive approach to this project and look forward to partnering with Pima County on the development of the improvements.

Sincerely,

PSOMAS



Alejandro Angel, P.E., PTOE
Traffic Engineering Manager

 5/15/08

Ben Goff, P.E.
Deputy Director
Pima County Department of Transportation

cc. Steve Lenihan - Vail UPRR South, LLC





PIMA COUNTY

REGIONAL WASTEWATER RECLAMATION DEPARTMENT
201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 724-6500
FAX: (520) 724-9635

January 6, 2015

TO: Artemio Hoyos
Planning Division
Pima County Development Services Department

FROM: Mirela Hromatka
Mirela Hromatka, Program Manager
Planning and Engineering Division
Pima County Regional Wastewater Reclamation Department

SUBJECT: **Rezoning Time Extension for Co9-09-01 Vail UPRR South LLC, et al**
From RH to CR-5
Tax Parcels #305-10-0020, -001X; #305-08-005K, 305-08-001H, -004D,
002F, -002G; 158 acres

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for a five year time extension for the above referenced rezoning case and offers the following comments for your use. Approval of the rezoning would allow approximately 158 acres to be developed as a 688-lot residential subdivision.

The subject property is within the area currently served by Pima County's public sewer system and is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor and Northwest Outfall. The project proposes to connect to the existing 15-inch public sewer line (G-99-160) in Mary Ann Cleveland Way located to the north of the property.

This property requested and received a capacity determination in 2008 which has expired and needs to be re-determined. **Obtain an update to the Type I capacity determination letter stating that conveyance system capacity for the project is available in the downstream public sewerage system and provide a copy of that letter to this office.** The required form to request such a letter may be found at:

<http://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=57175>

This letter is not a commitment of treatment or conveyance capacity allocation. Capacity allocation is accomplished by building the sewers necessary to serve the proposed

development, in accordance with terms and conditions of a formal Sewer Service Agreement that is normally prepared during the development plan or subdivision plan review process. If conditions change between now and the time a development plan or tentative plat is submitted, the property owner / developer may be required to augment the existing public sewerage system in order to provide adequate treatment and conveyance capacity for this rezoning.

If you wish to discuss the above conditions, please contact me at 724-6488.

MH
Copy: Project



Rural/Metro Fire Department

www.rmfire.com

January 6, 2015

Pima County Development Services
Planning Division
201 N. Stone Avenue, Second Floor
Tucson, AZ 85701
Attn.: Artemio Hoyos, Case Planner

RE: Case Co9-09-01 Vail UPRR South LLC, Rezoning Time Extension

Dear Artemio,

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and has no objections to the rezoning time extension request.

The following condition will still apply:

1. As the development continues into the plan stage, the applicant will be required to submit plans to our fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinkler systems and all other applicable fire code requirements. As of April 7, 2007 the 2003 edition of the International Fire Code shall be the applicable fire code for this project.

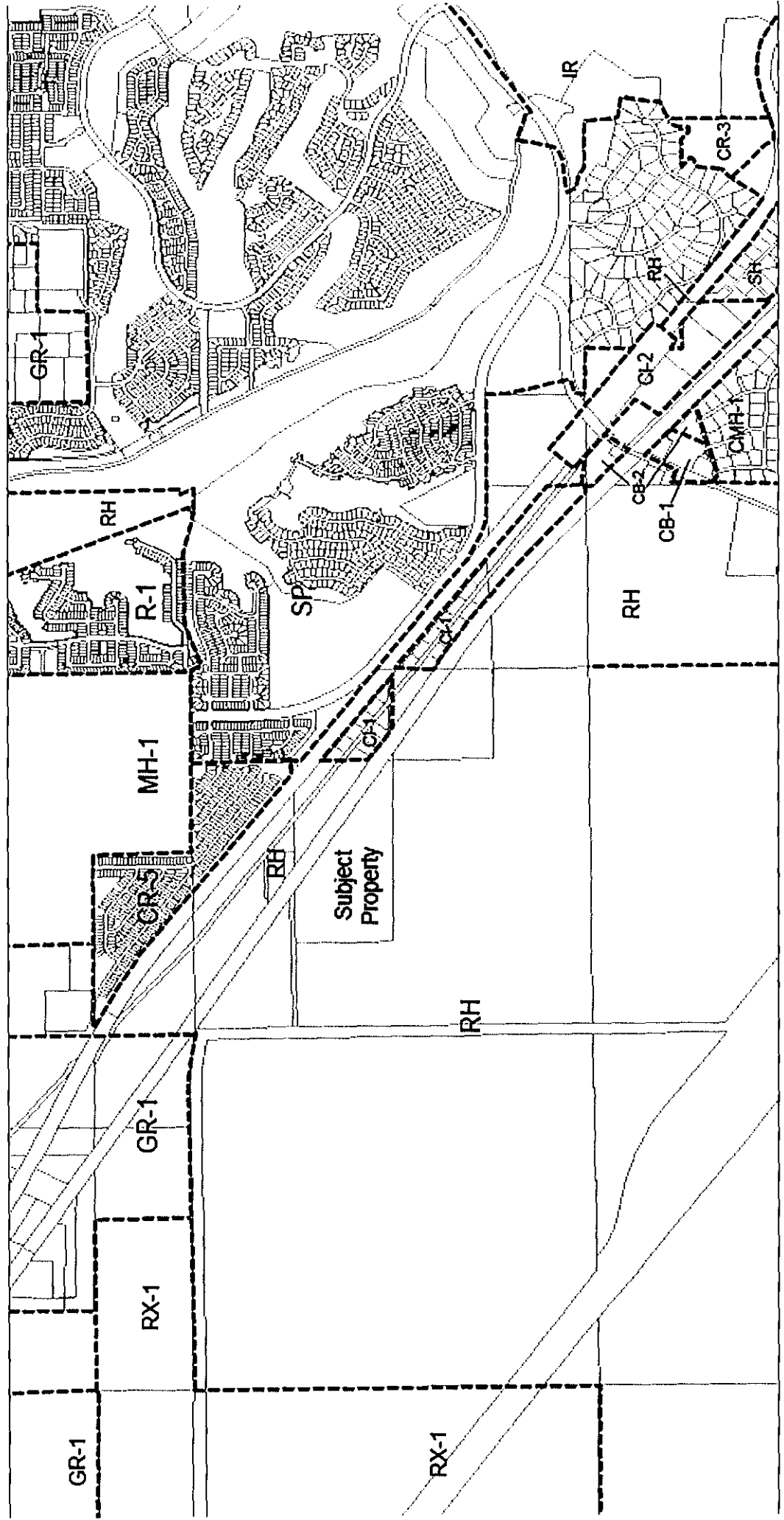
If I can be of any further assistance on this matter you may contact me at 981-0280.

Sincerely,

William F. Treatch
Deputy Fire Marshal/Battalion Chief
Rural/Metro Fire Department

Vail UPRR South LLC, et al – Rocket Road Rezoning
Co9-09-01 - Time Extension

Zoning



COMPREHENSIVE PLAN LAND-USE CATEGORY DEFINITION

Medium Intensity Urban 'MIU' or 'D' on the Land Use Plan Maps

- a. Purpose: To designate areas for a mix of medium density housing types and other compatible uses.
- b. Objective: These areas provide an opportunity for a variety of residential types, including cluster option developments, and single family attached dwellings. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses.
- c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
 - 1) Minimum - none
 - 2) Maximum - 10 RAC
- d. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
 - 1) Minimum – 3 RAC
 - 2) Maximum – 5 RAC
- e. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) GC Golf Course Zone
 - 2) CR-1 Single Residence Zone
 - 3) CR-2 Single Residence Zone
 - 4) CR-3 Single Residence Zone
 - 5) SH Suburban Homestead Zone
 - 6) CR-4 Mixed-Dwelling Type Zone
 - 7) CR-5 Multiple Residence Zone
 - 8) CMH-1 County Manufactured and Mobile Home-1 Zone
 - 9) CMH-2 County Manufactured and Mobile Home-2 Zone
 - 10) MR Major Resort Zone
 - 11) TR Transitional Zone

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: K_O
DEPUTY RECORDER
1861 PE-3

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



DOCKET: 13816
PAGE: 2442
NO. OF PAGES: 9
SEQUENCE: 20101000544
05/25/2010
ORDIN 18:00
PICKUP
AMOUNT PAID \$ 0.00

ORDINANCE 2010- 39

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 305-08-001H, 305-08-002F, 305-08-002G, 305-08-004D, 305-10-001X, AND 305-10-0020) OF APPROXIMATELY 158.00 ACRES FROM RH (RURAL HOMESTEAD) TO CR-5 (MULTIPLE RESIDENCE) IN **CASE Co9-09-01 VAIL UPRR SOUTH LLC - ROCKET ROAD REZONING**; LOCATED AT THE EASTERN TERMINUS OF ROCKET ROAD, APPROXIMATELY 1,000 FEET WEST OF COLOSSAL CAVE ROAD; AMENDING PIMA COUNTY ZONING MAP NOS. 184 and 185.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The approximately 158.00 acres, located at the eastern terminus of Rocket Road, approximately 1,000 feet west of Colossal Cave Road, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map Nos. 184 and 185 is hereby rezoned from RH (Rural Homestead) to CR-5 (Multiple Residence Zone).

Section 2. Rezoning Conditions.

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.

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 Development Services Department, Document Services.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Offsite improvements to Colossal Cave Road shall be provided by the property owner/developer, as determined necessary by the Department of Transportation.
 - B. The property owner/developer shall provide for and construct paved, legal access from the east boundary of the site to Colossal Cave Road (Segment 1, as shown on Exhibit II.K.2 of the site analysis), or other means of paved legal access, as approved by the Department of Transportation. The roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, shoulders and an ADA acceptable pedestrian/bicycle path on one side of the roadway. The property owner/developer may be required to continue the pedestrian access south to Acacia Elementary if no pedestrian access exists at the time of improvement plan review.
 - C. The property owner/developer shall provide for and construct a major collector within the site, between the eastern property boundary and the easternmost road within Block 2 (Segment 2, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes, one center turn lane and two bike lanes, with curb and sidewalk or path on one side.
 - D. The property owner/developer shall provide for and construct a residential collector within the site, between the west property boundary and the easternmost street within Block 2 (Segment 3, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, with curb and sidewalk or path on one side.
 - E. The property owner/developer shall provide for and construct onsite turnaround for the interior collector until such time that a through connection is provided, as required by the Department of Transportation.
 - F. Through access shall be provided to the west and south of the rezoning by the owner/developer.

G. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to the Pima County Development Review Section prior to the approval of the final plat.

8. Flood Control conditions:

A. The property owner / developer shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.

B. Trail and drainage channels must be separate.

C. A riparian mitigation plan shall be required for development in designated riparian areas.

D. The property owner / developer shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.

E. Low Intensity Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.

F. The property owner / developer shall submit a signed letter of intent to serve from the Vail Water Company with the submittal of the tentative plat.

9. Wastewater Management conditions:

A. The property owner / developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.

B. The property owner / developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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 Pima County Regional

Wastewater Reclamation Department.

C. The property owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

D. The property owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

E. The property owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.

F. The property owner / developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.

G. The property owner / developer shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.

H. The property owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

10. Environmental Quality condition:

A. The property owner / developers must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.

B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.

11. Natural Resources, Parks and Recreation conditions:
 - A. The property owner / developer shall provide a five-foot paved pedestrian path within the proposed 90-foot right-of-way along the northern boundary of the project to its intersection with Colossal Cave Road.
 - B. This project shall provide 871 square feet of recreation area per lot. The 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 the overall trail system and for each subdivision block. Each block shall meet the recreation requirements as stated in section 18.69.090 and the Recreation Area Design Manual.
12. Environmental Planning conditions:
 - A. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. 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.
 - B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.

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

Salsola spp.	Russian thistle
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

13. Noise abatement conditions:
 - A. Residences in the first row of lots along the northern boundary of the site shall be built to have an exterior building envelope sound Transmission Class such that the interior noise levels that are due to exterior noise shall not exceed 45 dBA.
 - B. Walls constructed along the northern boundary of the site, in proximity to the access road, shall be at least six feet in height.
14. The property owner / developer shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
15. In the event the subject property is annexed, the property owner(s) / developers(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.
16. 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 to 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(l)."
17. Adherence to the preliminary development plan as approved at public hearing.
18. The property owner / developer shall coordinate development of the property with Kinder-Morgan and shall adhere to Kinder-Morgan's design and construction guidelines as they apply to the area of the Kinder-Morgan easement(s) along the northern portion of the property.

Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 18 shall be completed by January 19, 2015.

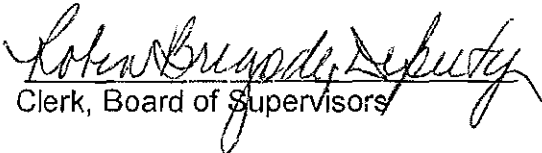
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 18 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 4. The effective date of this Ordinance shall be 30 days after the signing of this Ordinance by the Chairman of the Board of Supervisors.

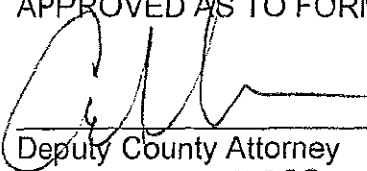
Passed and adopted by the Board of Supervisors of Pima County, Arizona, this
19th day of May, 2010


Chairman of the Board of Supervisors
MAY 19 2010

ATTEST:


Clerk, Board of Supervisors

APPROVED AS TO FORM:

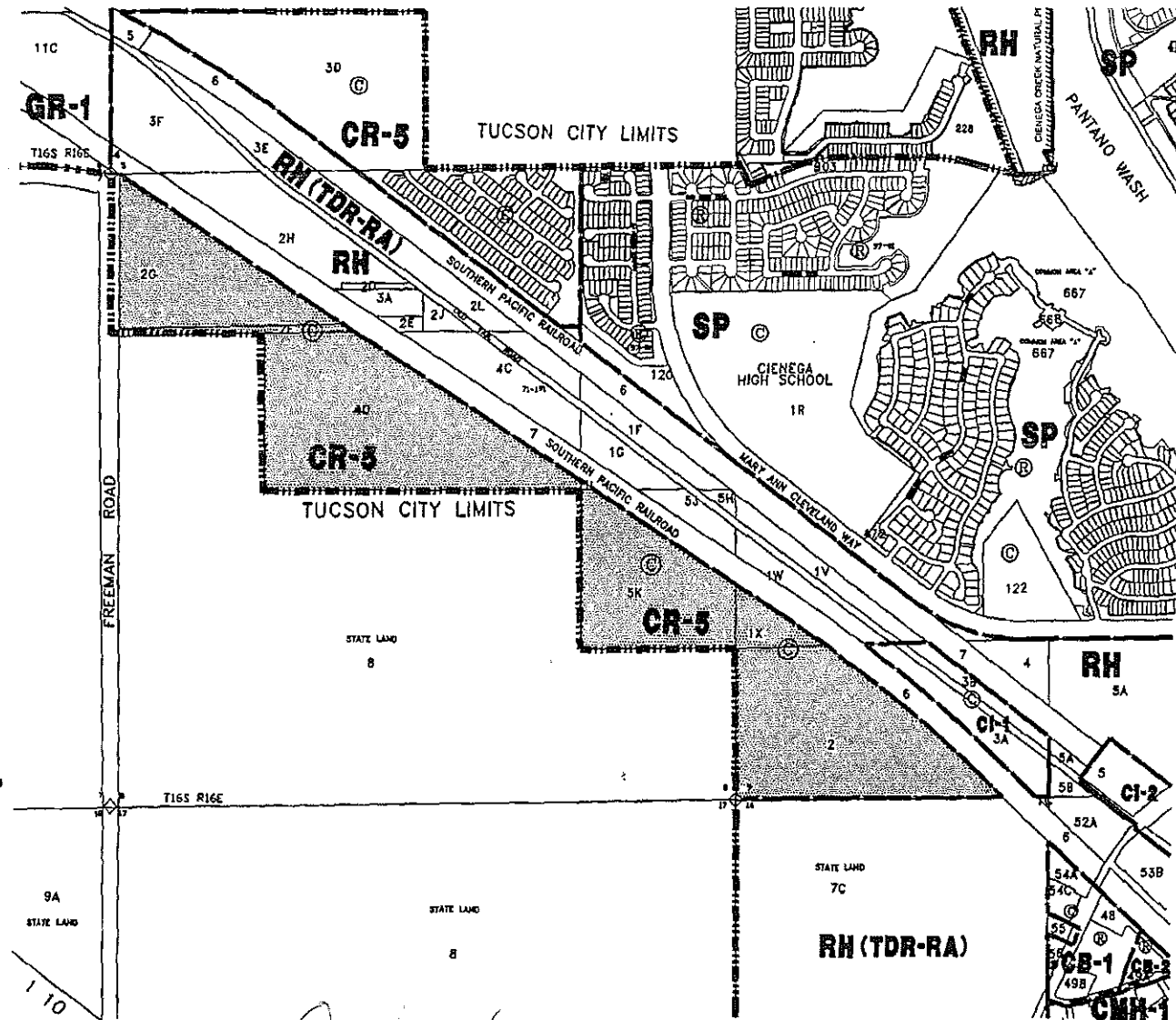
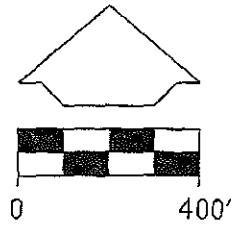

Deputy County Attorney
ANDREW FLAGG


Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO'S. 17.1 BY ORDINANCE NO. 2010-39
TO PIMA COUNTY ZONING MAP NO'S 184, 185 TUCSON, AZ.
PARCELS 01H, 02F, 02G, 04D, 05K, 01X & 02 BEING A PART OF
SEC 8 AND THE SW 1/4 OF THE SW 1/4 OF SEC. 9 T16S, R16E.

ADOPTED May 19, 2010 EFFECTIVE June 18, 2010



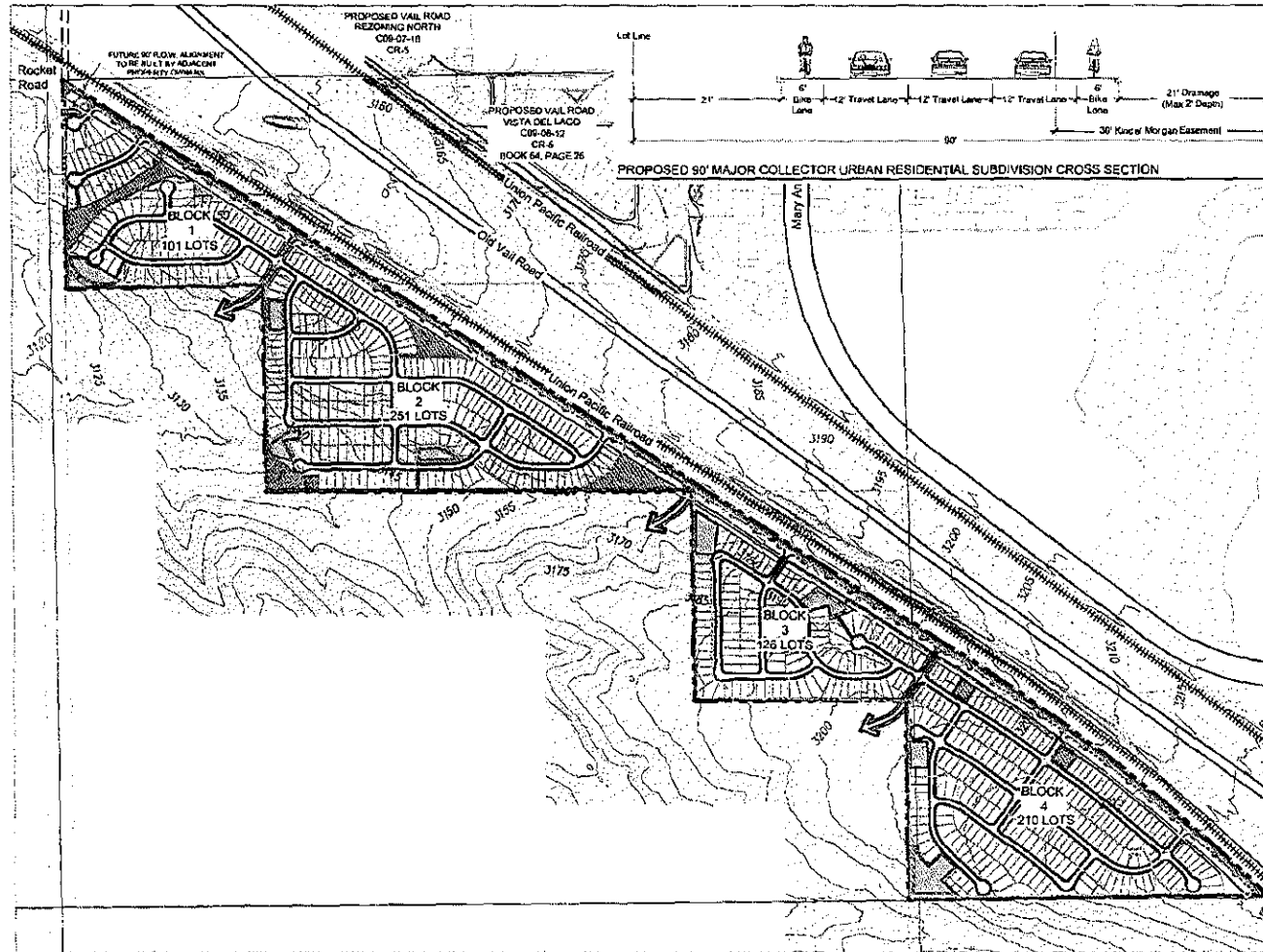
[Handwritten Signature]

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM RH 158.0 ac±
ds-APRIL 12, 2010

CD9-09-001
CD7-06-015
305-08-001H, 2F, 2G,
4D, 5K, 1X & 2
PG 8 of 9

EXHIBIT II.B: Preliminary Development Plan (overall)



LEGEND

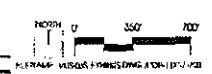
- Site Boundary
- 2' Elevation Contours
- Union Pacific Railroad
- Landscape Bufferyard
- Recreation Park Area
- Recreation/Drainage Area
- Drainage Area
- Trail
- Watershed Boundary
- 100' Temporary Kinder Morgan Gas Easement
- 30' Permanent Kinder Morgan Gas Easement
- Proposed Xeroriparian Area (2.82 AC)

NOTES:

Site Area: ±158 AC
 Residential Density: 4.3 RAC
 Existing Zoning: RH
 Proposed Zoning: CR-5
 Existing Comprehensive Plan: MUI
 (Allows up to 24 RAC)
 Average Lot Size: 50'x115'
 45'x115'
 Max Building Height: 34'
 Proposed Recreation and Trail Area: 11.8 AC
 Total Lot Yield: 688
 All landscaping will be in accordance with Pima County Land Use Code requirements.



Engineering & Construction
 1000 N. 17th Avenue, Suite 100
 Tucson, Arizona 85712 520-621-6000 www.ecc-tucson.com



PDP APPROVED BY BOS
 1/19/10

MINUTES, BOARD OF SUPERVISORS' MEETING

JANUARY 19, 2010

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 19, 2010. Upon roll call, those present and absent were as follows:

All Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Vernon Hawkins, La Iglesia de Cristo.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

The Pima County Animal Care Center showcased an animal available for adoption.

4. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Jody Sullivan and family in recognition of Paul Brady Sullivan's 20 years of service at the Jackson Employment Center and proclaiming that the facility located at 400 E. 26th Street, South Tucson, be known as the:

"SULLIVAN JACKSON EMPLOYMENT CENTER"

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the proclamation.

Chairman Valadez and Supervisor Elías read and presented the proclamation to Jody Sullivan and members of her family. Mrs. Sullivan accepted the proclamation and expressed her family's appreciation for the Board's recognition. Supervisors Elías, Carroll, and former Supervisor Dan Eckstrom spoke about Paul Brady Sullivan's years of dedicated service to his community.

It was thereupon moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the five-year time extension subject to modified standard and special conditions.

17. DEVELOPMENT SERVICES: REZONING

The Board of Supervisors' on 12/15/09, continued the following:

Co9-07-20, SAHUARITA CORNERS L.P./EQUIVEST PROPERTIES L.P. – KOLB ROAD REZONING

Request of Sahuarita Corners L.P./Equivest Properties L.P., represented by The Planning Center, for a rezoning of approximately 149.7 acres from RH (Rural Homestead) to CR-1 (Rural Residential) on property located at the northwest corner of Sahuarita Road and the Kolb Road alignment. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voting Nay) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

Without objection, this item was continued to the Board of Supervisors' Meeting of February 9, 2010.

18. DEVELOPMENT SERVICES: REZONING

Co9-09-01, VAIL UPRR SOUTH, L.L.C., ET. AL. – ROCKET ROAD REZONING

Request of Vail UPRR South, L.L.C., represented by The Planning Center, for a rezoning of approximately 158.00 acres from RH (Rural Homestead) to CR-5 (Multiple Residence), on property located at the eastern terminus of Rocket Road, approximately 1,000 feet west of Colossal Cave Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7 – 1 (Commissioner Gungle voting Nay; Commissioner Matter was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

COMPLETION OF THE FOLLOWING REQUIREMENTS WITHIN FIVE YEARS FROM THE DATE THE REZONING REQUEST IS APPROVED BY THE BOARD OF SUPERVISORS:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
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 Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Offsite improvements to Colossal Cave Road shall be provided by the property owner/developer, as determined necessary by the Department of Transportation.
 - B. The property owner/developer shall provide for and construct paved, legal access from the east boundary of the site to Colossal Cave Road (Segment 1, as shown on Exhibit II.K.2 of the site analysis), or other means of paved legal access, as approved by the

Department of Transportation. The roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, shoulders and an ADA acceptable pedestrian/bicycle path on one side of the roadway. The property owner/developer may be required to continue the pedestrian access south to Acacia Elementary if no pedestrian access exists at the time of improvement plan review.

- C. The property owner/developer shall provide for and construct a major collector within the site, between the eastern property boundary and the easternmost road within Block 2 (Segment 2, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes, one center turn lane and two bike lanes, with curb and sidewalk or path on one side.
 - D. The property owner/developer shall provide for and construct a residential collector within the site, between the west property boundary and the easternmost street within Block 2 (Segment 3, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, with curb and sidewalk or path on one side.
 - E. The property owner/developer shall provide for and construct onsite turnaround for the interior collector until such time that a through connection is provided, as required by the Department of Transportation.
 - F. Through access shall be provided to the west and south of the rezoning by the owner/developer.
 - G. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to the Pima County Development Review Section prior to the approval of the final plat.
8. Flood Control conditions:
- A. The property owner / developer shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - B. Trail and drainage channels must be separate.
 - C. A riparian mitigation plan shall be required for development in designated riparian areas.
 - D. The property owner / developer shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
 - E. Low Intensity Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.

Tom Hudson, Zoning Administrator, provided a report on the proposed use of the site. A comment was received from Kinder-Morgan Pipeline Company, who owns a 30-foot easement along the northern portion of the property which contains (1) out of service and two active petroleum lines. Kinder-Morgan requested that development be coordinated through them and their design and construction guidelines be followed. The applicant agreed to this request.

The Chairman inquired whether anyone wished to be heard. No one appeared.

It was thereupon moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning subject to standard and special conditions.