



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 3/4/2025

**= Mandatory, information must be provided*

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

RESOLUTION: Co9-88-80 Landon – Oracle Road Rezoning

***Introduction/Background:**

The Board of Supervisors approved a five-year time extension and a modification (non-substantial change) of rezoning condition #8 renumbered to rezoning condition #9 which requires adherence to the revised preliminary development plan approved on September 17, 2024, subject to modified standard and special conditions.

***Discussion:**

The time limit and rezoning conditions contained in Rezoning Ordinance 1993-102 and as amended by Resolution 2021-80 may be modified by resolution.

***Conclusion:**

The Resolution reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

0

***Board of Supervisor District:**

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services - Planning

Telephone: 520-724-6675

Contact: Donna Spicola, Planner II

Telephone: 520-724-9513

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____



Subject: Co9-88-80

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MARCH 4, 2025 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division

DATE: February 11, 2025

RESOLUTION FOR ADOPTION

Co9-88-80 **LANDON – ORACLE ROAD REZONING**
Owners: Hilltop Farm LLC
(District 1)

If approved, adopt RESOLUTION NO. 2025 - _____

OWNERS: Hilltop Farm LLC
Attn: Larry and Claire Klinger
3900 W. Moore Road
Tucson, AZ 85742

AGENT: Oracle Engineering Group, Inc.
Attn: Pete Salonga, P.E.
11243 N. Platte Drive
Tucson, AZ 85737

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Planner II

STAFF RECOMMENDATION: APPROVAL

TD
Attachments

c: Oracle Engineering Group, Inc., Pete Salonga, P.E.

RESOLUTION 2025-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE CO9-88-80 LANDON – ORACLE ROAD REZONING; LOCATED ON THE WEST SIDE OF N. ORACLE ROAD APPROXIMATELY 650 FEET NORTH OF N. LUPINE PLACE, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMIT SET FOURTH IN SECTION 3 OF ORDINANCE NO. 1993-102 AS AMENDED BY RESOLUTION NO. 2021-80.

The Board of Supervisors of Pima County, Arizona finds that:

1. On February 7, 1989, in rezoning case Co9-88-80, the Pima County Board of Supervisors approved the approximately 3.2-acre rezoning located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place from the GR-1 (Rural Residential) to the CB-2 (General Business) zone subject to standard and special conditions.
2. On August 3, 1993, the Pima County Board of Supervisors adopted rezoning Ordinance No. 1993-102, as recorded in Docket 9607 at Page 799 and re-recorded in Docket 9612 at Page 1975, formalizing the rezoning of the approximate 3.2 acres described in rezoning Co9-88-80 (as shown on the map attached as), memorializing the standard and special conditions, and including a time extension requiring that the rezoning conditions be completed by February 7, 1997.
3. On March 4, 2021, the owner of the approximately 3.2 acres applied for a time extension of the time limit set forth in Section 3 of Ordinance 1993-102.
4. On May 18, 2021, the Pima County Board of Supervisors denied closure of the rezoning and approved five five-year time extensions, extending the time limit to February 7, 2022, subject to original and modified standard and special rezoning conditions.
5. On November 16, 2021, the Pima County Board of Supervisors adopted rezoning Resolution No. 2021-080, as recorded in Sequence No. 20213230292, memorializing the new time limit and modified standard and special conditions.
6. The owner of the rezoning site applied for a five-year time extension and a modification (non-substantial change) of rezoning condition #8 which requires adherence to the approved preliminary development plan.
7. On September 17, 2024, the Pima County Board of Supervisors approved a five-year time extension and the modification (non-substantial change) of rezoning condition #8 renumbered to rezoning condition #9 subject to modified standard and special conditions.
8. Section 3 of Ordinance No. 1993-102 and as amended by Resolution No. 2021-080 allows the Board of Supervisors to amend the time limit and rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 1993-102 and as amended by Resolution No. 2021-80, are restated and modified as follows:

1. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control.
2. There shall be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
3. Regional Wastewater Reclamation Condition: The owner(s) must secure approval from Pima County Department of Environmental Quality (PCDEQ) to use an on-site sewage disposal system at the time a tentative plat, development plan, or request for a building permit is submitted for review.
 - ~~A. The owner(s) 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 the owner(s) to that effect.~~
 - ~~B. The owner(s) 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(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.~~
 - ~~C. The owner(s) 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(s) 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(s) 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(s) 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.~~

4. Transportation conditions:
- A. Access to the subject property from Tucson-Florence Highway shall need written approval by Arizona Department of Transportation (ADOT) prior to development plan approval. Proof of coordination with ADOT shall be submitted to Development Services Department.
 - B. Written certification from the Arizona Department of Transportation stating satisfactory compliance with all of its requirements shall need to be submitted to the Development Services Department prior to development plan approval.
 - C. Owner shall covenant to provide and establish joint use access easement with adjacent properties to the north and to the south in order to allow for a continuous common (two-way) access lane across the property and running parallel to Tucson-Florence Highway. The location and design of said joint access easement shall be determined during the development plan permitting process.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
5. Flood Control condition: First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
66. Cultural Resources condition: A caution must be noted concerning human burials. 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.
67. Upon the effective date of the Ordinance, the owner(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.

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>Oncosiphon piluliferum</i>	Stinknet
<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

78. Landscaping to consist of low water use and low pollen producing vegetation.
89. Adherence to the revised preliminary development plan (Exhibit B) as approved at public hearing.
910. No more than one (1) parcel.
4011. Heights shall be limited to two stories or 24 feet in height.
4412. 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.
4213. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act ~~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)."

Section 2. The time limit in Section 3 of Ordinance 1993-102, as amended by Resolution No. 2021-80 is amended and extended as follows:

1. Conditions 1 through 4213 shall be completed by February 7, 2024 2027.

Section 3. The rezoning conditions may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Passed and adopted, this _____ day of _____, 2025.

ATTEST:

Chair, Pima County Board of Supervisors


Clerk, Board of Supervisors

APPROVED AS TO FORM:

 1-7-25

Deputy County Attorney
Jacob Kavkewitz

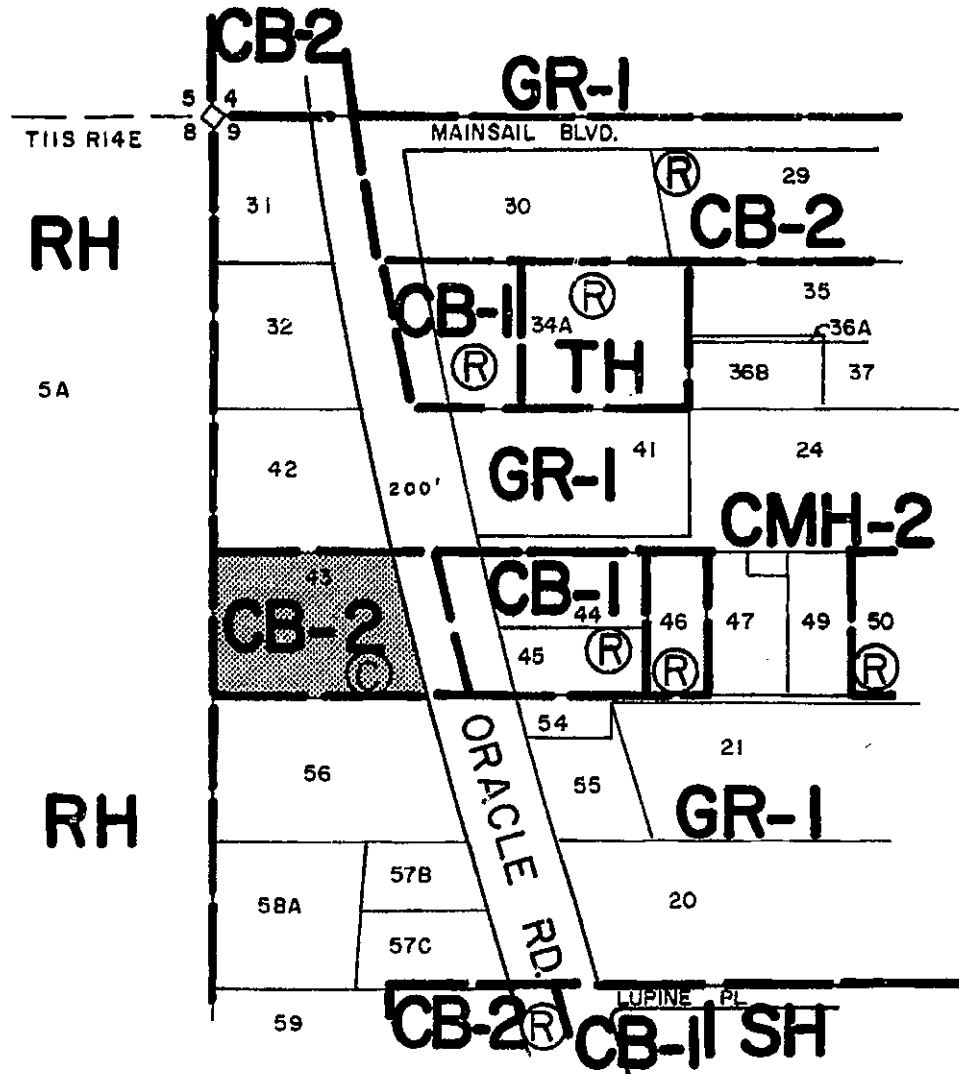
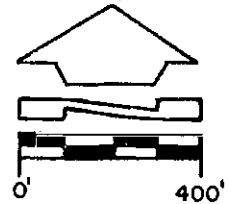
APPROVED:



Executive Secretary
Planning and Zoning Commission

AMENDMENT NO'S 29, 30 BY ORDINANCE NO. 1993-102
 TO PIMA COUNTY ZONING MAP NO'S 432, 519 TUCSON, AZ.
 PARCEL 43 BEING A PART OF THE NW1/4 OF THE NW1/4 OF
 SEC 9, T11S R14E.

ADOPTED 8-3-93 EFFECTIVE 8-3-93



[Signature]
 EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE.

from GR-1 3.2ac±

ma - JUNE 28, 1993

Exhibit A

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CO9-88-80
 CO13-63-17B
 222-21-0430

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