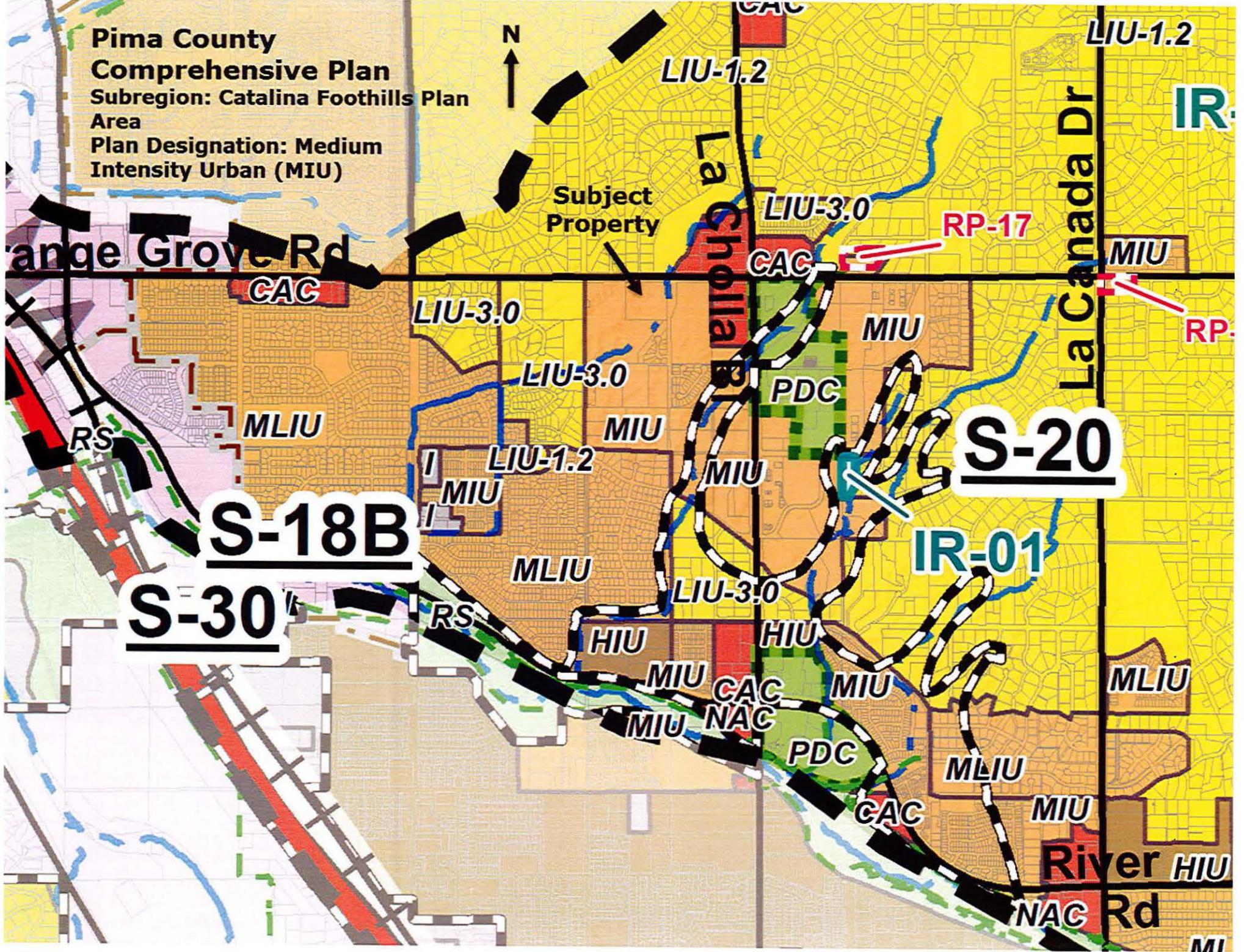


Pima County  
Comprehensive Plan  
Subregion: Catalina Foothills Plan  
Area  
Plan Designation: Medium  
Intensity Urban (MIU)



Subject  
Property

Orange Grove Rd

LIU-1.2

LIU-1.2

IR-

LIU-3.0

RP-17

MIU

CAC

LIU-3.0

CAC

MIU

LIU-3.0

PDC

**S-20**

IR-01

**S-18B**

**S-30**

LIU-1.2

MIU

MIU

MLIU

LIU-3.0

HIU

HIU

MIU

CAC

MIU

MLIU

MIU

NAC

PDC

MLIU

MIU

River HIU

NAC

Rd

MI

### **Medium Intensity Urban (MIU)**

- a. Objective: To designate areas for a mix of medium-density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower-density residential

uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

- b. Residential Gross Density: Residential gross density shall conform to the following:

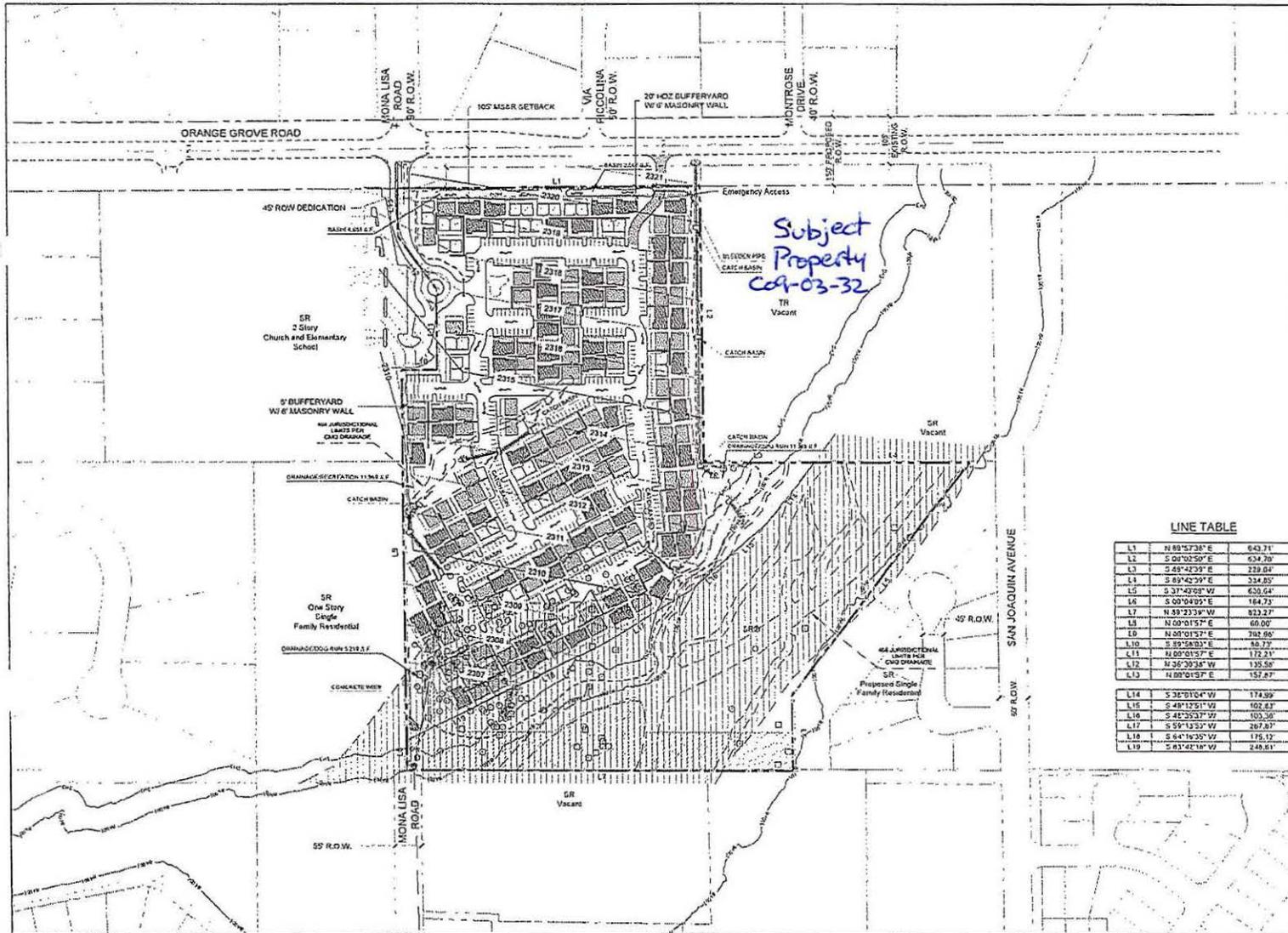
- 1) Minimum – 5 RAC
- 2) Maximum – 13 RAC.

- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:

- 1) Minimum – 5 RAC
- 2) Maximum – 10 RAC.

# EXHIBIT B

# PRELIMINARY DEVELOPMENT PLAN



- Legend**
- Rezoning Boundary
  - 1' Elevation Contours
  - 100 YR Floodplain (Per J.E. Fuller)
  - Erosion Hazard Setback
  - Xeroriparian Area "C"
  - Duplex 638 S.F.
  - 2 Bedroom 923 S.F.
  - 3 Bedroom 1,211 S.F.
  - Proposed Natural Trail
  - Proposed Sidewalk
  - Flow Arrows
  - Proposed Detention Basin
  - 404 Jurisdictional Washes (Per CMG Drainage)
  - Proposed Sewer Line
  - Saguaros greater than 6' in height
  - Saguaros below 6' in height
  - Xeroriparian Mitigation Area
  - Pool Area
  - Drainage Pipes
  - Proposed Emergency Access

- Notes**
- Project Site Area: 23.7 AC
  - Area Proposed for CR-5: 16.1 AC
  - Area Proposed for SR@: 7.6 AC
  - Existing Zoning: SR
  - Proposed Use: Single Story Rental Homes
  - Lot Coverage: 60%
  - Residential Density: 8.0 RAC
  - Parking Provided: 417 Onsite parking spaces
  - Parking Required: 414 (20% of total parking spaces will be covered)
  - Unit Count:
 

UNIT	#	%
1 BD	38	70
2 BD	83	45
3 BD	65	35
	186	
  - Proposed Recreation/Trail Area: 85,560 S.F. (Basin 26,537 S.F., Trail 51,078 S.F. (Linear feet of trail x 15' easement), Pool Area 5,945 S.F.)
  - Required Recreation/Trail Area: 85,560 S.F. (460 S.F. Per Unit)
  - Existing Xeroriparian Area "C" to be disturbed: 1.9 AC
  - Proposed Mitigation Area: 1.9 AC
  - Proposed Undisturbed Open Space: 8.1 AC (minimum 7 AC, 30% Setaside)
  - Water harvesting will be incorporated with in the development wherever feasible. Techniques that maybe employed include curb cuts/depressed planter islands, directing roof runoff to landscaped areas, and introducing swales/micro-basins to take advantage of stormwater to irrigate vegetation. Micro-basins shall be no deeper than 6" and must be designed to allow for rapid infiltration of standing water (standing water is not to exceed 12 hours).
  - All landscaping will be low water use in accordance with the Pima County Land Use Code requirements.

**LINE TABLE**

L1	N 88°57'38" E	643.71
L2	S 04°02'50" E	634.20
L3	S 65°42'39" E	229.84
L4	S 69°42'39" E	324.85
L5	S 37°49'28" W	630.64
L6	S 00°04'05" E	164.73
L7	N 59°23'39" W	823.27
L8	N 00°01'57" E	60.00
L9	N 00°01'57" E	398.86
L10	S 59°58'03" E	80.77
L11	N 00°01'57" E	175.21
L12	N 59°23'39" W	135.58
L13	N 00°01'57" E	152.87
L14	S 35°01'04" W	174.39
L15	S 49°12'51" W	103.23
L16	S 48°25'37" W	103.36
L17	S 59°13'37" W	267.87
L18	S 64°16'35" W	175.17
L19	S 63°42'18" W	248.81

ORANGE GROVE CASITAS  
 APPROVED AT PUBLIC HEARING 3/15/11

C09-10-02



F. ANN RODRIGUEZ, RECORDER  
Recorded By: [Signature]  
DEPUTY RECORDER  
4935

P0230  
PIMA CO CLERK OF THE BOARD  
PICKUP



SEQUENCE: 20151730849  
NO. PAGES: 8  
RES 06/22/2015 18:00  
PICK UP  
AMOUNT PAID: \$0.00

RESOLUTION 2015- 43

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-03-32 LEE, ET AL. - ORANGE GROVE ROAD REZONING; LOCATED ON THE SOUTHWEST CORNER OF ORANGE GROVE ROAD AND SAN JOAQUIN AVENUE, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2004-67 AS AMENDED BY RESOLUTION 2009-129.**

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

1. On April 13, 2004, in rezoning case Co9-03-32, the Pima County Board of Supervisors approved the rezoning of approximately 9.55 acres located on the southwest corner of Orange Grove Road and San Joaquin Avenue, as shown on Exhibit A from SR (Suburban Ranch) to TR (Transitional) for approximately 5.11 acres and to SR® (Suburban Ranch) (Restricted) for approximately 4.44 acres, subject to standard and special conditions.
2. On August 16, 2004, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2004-67, recorded in Docket 12369 at Page 2801, rezoning the approximate 9.55 acres described in rezoning case Co9-03-32 and memorializing the standard and special conditions.
3. On August 22, 2008, the owner(s) of the approximately 9.55 acres applied for a modification (substantial change) of rezoning condition #16 and a five-year time extension.
4. On March 10, 2009, the Board of Supervisors approved a modification (substantial change) of rezoning condition #16 and a five-year time extension with standard and special rezoning conditions.
5. On January 3, 2014, the owner(s) of the rezoning site applied for a five-year extension for an 8.90 acre rezoning (approximately 9.55 original acres minus approximately .65 acres of dedicated right-of-way) of the time limit set forth in Section 3 of Ordinance No. 2004-67, as amended by Resolution No. 2009-129;
6. On April 15, 2014, the Pima County Board of Supervisors denied closure of the rezoning and approved the five-year time extension subject to modified standard and special conditions;
7. Section 3 of Ordinance No. 2004-67 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2004-67, as amended by Resolution 2009-129, are restated and modified as follows:

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. The property owner(s)/developer(s) shall provide offsite improvements to Orange Grove Road as determined necessary by the Department of Transportation. These improvements shall include, but may not be limited to, construction of a right turn lane.
  - ~~B. The property owner(s) shall dedicate to Pima County 70 feet of right-of-way for Orange Grove Road and shall provide a building setback of 130 feet from the centerline of the right-of-way for Orange Grove Road.~~
  - CB. One access point shall be allowed on Orange Grove Road. No access shall be allowed via San Joaquin Avenue.
  - DC. Internal access shall be provided to the west of the property as shown on the Preliminary Development Plan.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
  - C. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
  - D. Post-development floodplains and flood control improvements shall be identified on the Plat or Development Plan as separate open space parcels and/or where they are contained within development parcels dedicated as right-of-way or easements for drainage and maintenance purposes to the Pima County Regional Flood Control District and/or the Homeowners Association.
  - E. Pima County Regulated Riparian Habitat, including mitigation areas shall be identified on the Plat or Development Plan as separate open space parcels and/or where they are contained within development parcels dedicated as right-of-way or easements for preservation, mitigation and monitoring

purposes to the Pima County Regional Flood Control District and/or the Homeowners Association.

- F. At the time of development, the applicant shall submit a Final Integrated Water Management Plan consisting of the table identifying internal and external water conservations measures and a site plan showing the location of external measures. First flush retention shall be provided.

9. Regional Wastewater Reclamation Department Management condition:

~~The Property owner(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of the review of the tentative plat, development plan or request for building permit.~~

- A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
- B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall 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/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

10. Natural Resources condition:

The property owner(s) shall provide a non-motorized public recreational trail easement over the entirety of the Pegler Wash corridor.

11. Adherence to the preliminary development plan as approved at public hearing on April 13, 2004 (EXHIBIT B).
12. A minimum of 95% of the Pegler Wash riparian area shall be preserved as natural open space as defined in the zoning code. The limits of the Pegler Wash riparian area shall be delineated using the Harris Riparian Maps generated for the Sonoran Desert Conservation Plan and shall be shown on all development plans, grading plans, and native plant preservation plans.
13. Detention/retention basins shall be revegetated with plant species native to the site. The plan for the revegetation of the basins shall be shown on the landscape plan(s) required to be submitted for review and approval by the Development Services Department.
14. 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.

~~Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. The following plants are prohibited anywhere within the rezoning site.~~

~~Fountain grass (*Pennisetum setaceum*)  
 Buffelgrass (*Pennisetum ciliare*)  
 Johnson grass (*Sorghum halapense*)  
 Giant reed (*Arundo donax*)  
 Common crabgrass (*Digitaria sanguinalis*)  
 Pampas grass (*Cortaderia selloana*)  
 Red brome (*Bromus rubens*)  
 Mediterranean grass (*Schismus spp.*)  
 Tree of heaven (*Ailanthus altissima*)  
 African sumac (*Rhus lancea*)  
 Russian olive (*Eleagnus angustifolia*)  
 Salt cedar/Tamarisk (*Tamarix pertandra & T. ramosissima*)  
 Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda  
 Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)~~

- ~~B. Should the Board approve the modification (substantial change) of rezoning conditions and subsequently the 5 year time extension, t[he~~

~~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 current and any future 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.~~

15. Building heights shall be limited to a maximum of 34 feet. Building colors shall be earth tone and shall not exceed a light reflectivity of 60%.
16. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
17. The property owner(s)/developer(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Section 2. Section 3 of Ordinance No. 2004-67, as amended by Resolution 2009-129, is amended and the time limit extended as follows:

1. Conditions 1 through 45 17 shall be completed by April 13, ~~2014~~ 2019.
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 Resolution until all conditions 1 through 45 17 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 1 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 16th day of June, 2015.

Sharon Bimson  
Chair, Pima County Board of Supervisors

ATTEST:

Liter Brinade  
Clerk of the Board

APPROVED AS TO FORM:

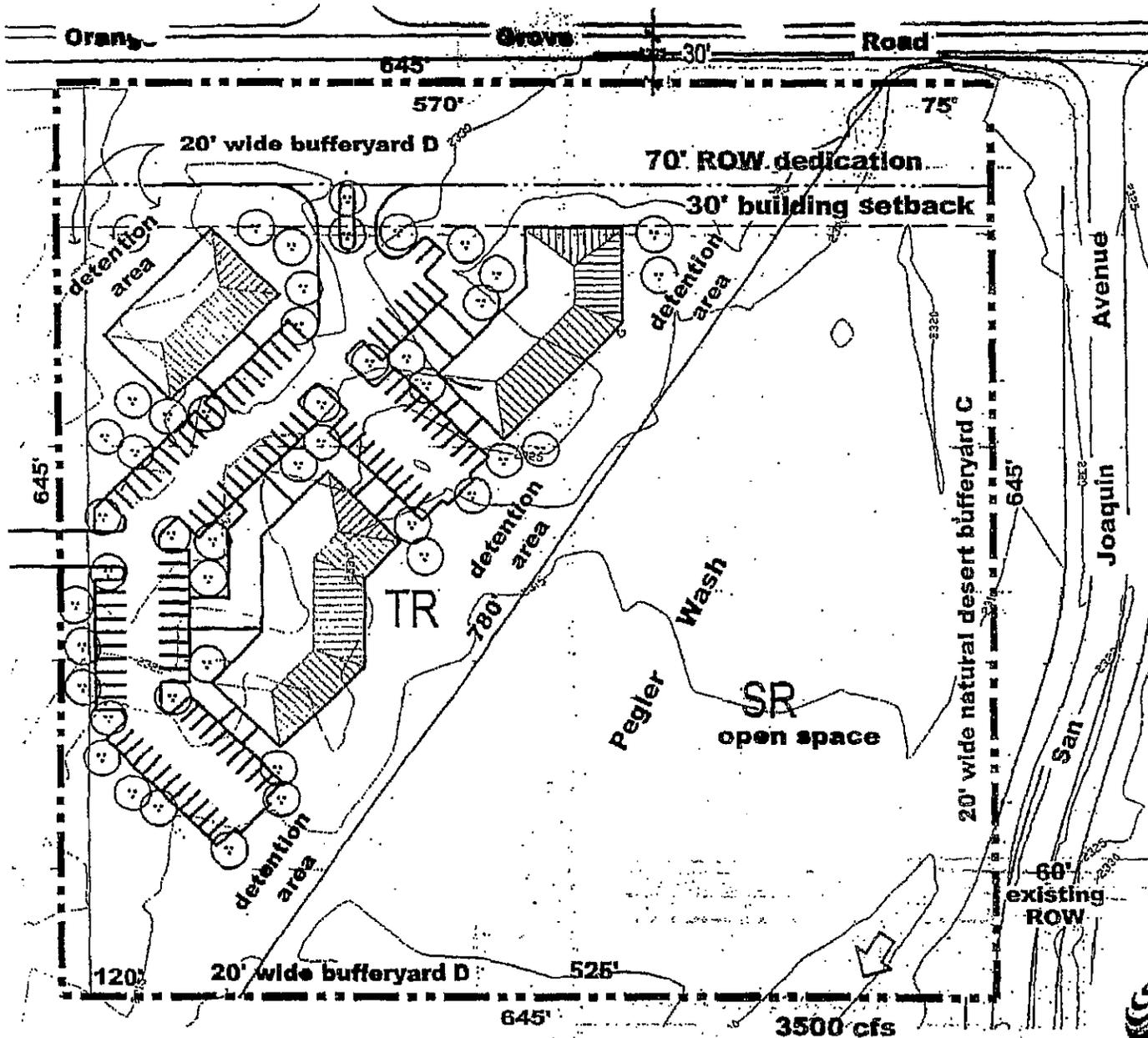
Lesley M. Lukach 6/24/15  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:

[Signature]  
Executive Secretary  
Planning and Zoning Commission



w:\active\85502722\85512722\landscape\planning\ambits\vegetation\scosity.dwg



Site area: 9. acres

TR	5.11 acres
SR	4.44 acres

Total building area:  
30,000 sf.

Building height:  
one and two stories:  
(maximum of 34')

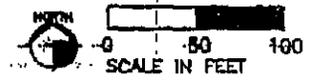
Parking required:  
100 spaces

Parking provided:  
103 spaces

EXHIBIT B

Exhibit IIB.1

# Preliminary Development Plan



Planning and Landscape Group  
 200 N. Santa Ana  
 Tucson, Arizona 85742  
 Tel: (520) 782-7474  
 Fax: (520) 782-7479  
 www.stantec.com

## SWC Orange Grove / San Joaquin

BOS 4/12/04

C09-03-32 PDP

# Co9-03-32 Rezoning Time Extension Approval 305 minutes 4-15-14

unanimously carried by a 5-0 vote, to close the public hearing and approve the five-year time extension for Co9-96-09, subject to modified and additional standard and special conditions.

## 20. Co9-03-31, BACKUS - OLD SPANISH TRAIL REZONING

### A. Closure

Proposal to close a 3.04 acre rezoning from the SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR® (Suburban Ranch-Restricted) (2.07 acres) zone. The 3.04 acre subject site was rezoned in 2003. The rezoning expired on January 20, 2014. The site is located on the southeast corner of Camino Del Garanon and Old Spanish Trail. Staff recommends AGAINST CLOSURE. (District 4)

### B. Time Extension

Request of Peter and Deborah Backus, for a five-year time extension of a 3.04 acre rezoning from the SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR® (Suburban Ranch-Restricted) (2.07 acres) zone. The 3.04 acre subject site was rezoned in 2003. The rezoning expired on January 20, 2014. The site is located on the southeast corner of Camino Del Garanon and Old Spanish Trail. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED AND ADDITIONAL STANDARD AND SPECIAL CONDITIONS. (District 4)

It was moved by Supervisor Carroll, seconded by Supervisor Miller, and unanimously carried by a 5-0 vote, to continue these items to the Board of Supervisors' Meeting of May 13, 2014.

## → 21. Co9-03-32, LEE, ET AL. - ORANGE GROVE ROAD REZONING

### A. Closure

Proposal to close a 8.90 acre rezoning (approximately 9.55 original acres minus approximately .65 acres of dedicated right-of-way) from the SR (Suburban Ranch) to TR (Transitional) (5.11 acres) and SR® (Suburban Ranch-Restricted) (4.44 acres) zone. The 9.55 acre subject site was rezoned in 2003. The rezoning will expire on April 13, 2014. The site is located on the southwest corner of Orange Grove Road and San Joaquin Avenue. Staff recommends AGAINST CLOSURE. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to accept the recommendation against closure.

### B. Time Extension

Request of Lee Family Trust 3/4, et al. represented by Presidio Engineering, Inc., for a five-year time extension of a 8.90 acre rezoning (approximately 9.55 original acres minus approximately .65 acres of dedicated right-of-way) from the SR (Suburban Ranch) to TR (Transitional) (5.11 acres) and SR®

(Suburban Ranch-Restricted) (4.44 acres) zone. The 8.90 acre subject site was rezoned in 2003. The rezoning will expire on April 13, 2014. The site is located on the southwest corner of Orange Grove Road and San Joaquin Avenue. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL MODIFIED AND ADDITIONAL STANDARD AND SPECIAL CONDITIONS. (District 1)

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 properties without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The property owner(s)/developer(s) shall provide offsite improvements to Orange Grove Road as determined necessary by the Department of Transportation. These improvements shall include, but may not be limited to, construction of a right turn lane.
  - B. ~~The property owner(s) shall dedicate to Pima County 70 feet of right-of-way for Orange Grove Road and shall provide a building setback of 130 feet from the centerline of the right-of-way for Orange Grove Road.~~
  - CB. One access point shall be allowed on Orange Grove Road. No access shall be allowed via San Joaquin Avenue.
  - DC. Internal access shall be provided to the west of the property as shown on the Preliminary Development Plan.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
  - C. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
  - D. Post-development floodplains and flood control improvements shall be identified on the Plat or Development Plan as separate open space parcels and/or where they are contained within development parcels dedicated as right-of-way or easements for drainage and maintenance purposes to the Pima County Regional Flood Control District and/or the Homeowners Association.
  - E. Pima County Regulated Riparian Habitat, including mitigation areas shall be identified on the Plat or Development Plan as separate open space parcels and/or where they are contained within development parcels dedicated as right-of-way or easements for preservation, mitigation and monitoring purposes to the Pima County Regional Flood Control District and/or the Homeowners Association.
  - F. At the time of development, the applicant shall submit a Final Integrated Water Management Plan consisting of the table identifying internal and

- external water conservations measures and a site plan showing the location of external measures. First flush retention shall be provided.
9. Regional Wastewater Reclamation Department Management condition:  
The property owner(s) shall 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.
- A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
- B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall 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/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Natural Resources, Parks and Recreation condition:  
The property owner(s) shall provide a non-motorized public recreational trail easement over the entirety of the Pegler Wash corridor.
11. Adherence to the preliminary development plan as approved at public hearing on April 13, 2004 (EXHIBIT B).
12. A minimum of 95% of the Pegler Wash riparian area shall be preserved as natural open space as defined in the zoning code. The limits of the Pegler Wash riparian area shall be delineated using the Harris Riparian Maps generated for the Sonoran Desert Conservation Plan and shall be shown on all development plans, grading plans, and native plant preservation plans.
13. Detention/retention basins shall be revegetated with plant species native to the site. The plan for the revegetation of the basins shall be shown on the landscape plan(s) required to be submitted for review and approval by the Development Services Department.
14. Environmental Planning conditions:

- A. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. The following plants are prohibited anywhere within the rezoning site.

Fountain grass (*Pennisetum setaceum*)  
Buffelgrass (*Pennisetum ciliare*)  
Johnson grass (*Sorghum halapense*)  
Giant reed (*Arundo donax*)  
Common crabgrass (*Digitaria sanguinalis*)  
Pampas grass (*Cortaderia selloana*)  
Red brome (*Bromus rubens*)  
Mediterranean grass (*Schismus spp.*)  
Tree of heaven (*Ailanthus altissima*)  
African sumac (*Rhus lancea*)  
Russian olive (*Eleagnus angustifolia*)  
Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)  
Bermuda grass(*Cynodon dactylon*) excluding sod hybrid Bermuda  
Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass  
(*Eragrostis intermedia*)

- B. ~~Should the Board approve the modification (substantial change) of rezoning conditions and subsequently the 5-year time extension, 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 current and any future 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.
15. Building heights shall be limited to a maximum of 34 feet. Building colors shall be earth tone and shall not exceed a light reflectivity of 60%.
16. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
17. The property owner(s)/developer(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the five-year time extension for Co9-03-32, subject to additional modified and additional standard and special conditions.

## **TRANSPORTATION**

### **22. Traffic Ordinance**

ORDINANCE NO. 2014 - 16, of the Board of Supervisors, regulating traffic at the intersection of Bayou Drive and Treece Way in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Ordinance.

### **23. Traffic Ordinance**

ORDINANCE NO. 2014 - 17, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Hardy Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Ordinance.

### **24. Traffic Ordinance**

ORDINANCE NO. 2014 - 18, of the Board of Supervisors, repealing an ordinance establishing a non-abutting crosswalk on Kain Avenue in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Ordinance.

### **25. Traffic Ordinance**

ORDINANCE NO. 2014 - 19, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Overton Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Ordinance.

# Co9-03-32 Modification of Rezoning Conditions Approval BOS Minutes 3-10-09

## 19. DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

### Co9-03-32, LEE, ET. AL.-ORANGE GROVE ROAD REZONING

Request of Lee Family Revocable Trust, represented by Carolyn Laurie of Tierra Planning Services, for a modification (substantial change) of rezoning conditions for a rezoning of approximately 9.55 acres from SR (Suburban Ranch) to TR (Transitional) for approximately 5.11 acres and to SR ® (Suburban Ranch) (Restricted) for approximately 4.44 acres located on the southwest corner of Orange Grove Road and San Joaquin Avenue. The subject site was rezoned in 2003. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL WITH MODIFIED CONDITIONS. Staff recommends APPROVAL WITH MODIFIED CONDITIONS. (District 1)

"IF THE DECISION IS MADE TO APPROVE THE 5-YEAR TIME EXTENSION TO A DATE CERTAIN OF APRIL 14, 2014, AND/OR IF THE DECISION IS MADE TO APPROVE THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS THEN THE FOLLOWING ADDITIONAL, MODIFIED 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.
6. There shall be no further lot splitting or subdividing of residential properties without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. ~~The property owner(s) shall provide pavement widening on Orange Grove Road to provide for a continuous center left turn lane from where the existing left turn/center lane ends to the west of the rezoning site (east of the Mona Lisa Road intersection) and tie the center left turn lane widening into the west edge of the La Cholla Boulevard improvements west of the La Cholla Boulevard and Orange Grove Road intersection, as approved by the Department of Transportation. The property owner(s)/developer(s) shall provide offsite improvements to Orange Grove Road as determined necessary by the Department of Transportation. These improvements shall include, but may not be limited to, construction of a right turn lane.~~
  - B. The property owner(s) shall dedicate to Pima County 70 feet of right-of-way for Orange Grove Road and shall provide a building setback of 130 feet from the centerline of the right-of-way for Orange Grove Road.
  - C. One access point shall be allowed on Orange Grove Road. No access shall be allowed via San Joaquin Avenue.
  - D. Internal access shall be provided to the west of the property as shown on the Preliminary Development Plan.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
  - C. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
9. Wastewater Management condition:

The property owner(s) shall 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.
10. Natural Resources, Parks and Recreation condition:

The property owner(s) shall provide a non-motorized public recreational trail easement over the entirety of the Pegler Wash corridor.

11. Adherence to the preliminary development plan as approved at public hearing on April 13, 2004.
12. A minimum of 95% of the Pegler Wash riparian area shall be preserved as natural open space as defined in the zoning code. The limits of the Pegler Wash riparian area shall be delineated using the Harris Riparian Maps generated for the Sonoran Desert Conservation Plan and shall be shown on all development plans, grading plans, and native plant preservation plans.
13. Detention/retention basins shall be revegetated with plant species native to the site. The plan for the revegetation of the basins shall be shown on the landscape plan(s) required to be submitted for review and approval by the Development Services Department.
14. Environmental Planning conditions:
  - A. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. The following plants are prohibited anywhere within the rezoning site.
    - Fountain grass (*Pennisetum setaceum*)
    - Buffelgrass (*Pennisetum ciliare*)
    - Johnson grass (*Sorghum halapense*)
    - Giant reed (*Arundo donax*)
    - Common crabgrass (*Digitaria sanguinalis*)
    - Pampas grass (*Cortaderia selloana*)
    - Red brome (*Bromus rubens*)
    - Mediterranean grass (*Schismus spp.*)
    - Tree of heaven (*Ailanthus altissima*)
    - African sumac (*Rhus lancea*)
    - Russian olive (*Eleagnus angustifolia*)
    - Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
    - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
    - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
  - B. Should the Board approve the modification (substantial change) of rezoning conditions and subsequently the 5-year time extension, 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 current and any future 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.
15. ~~Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~
16. Building heights shall be limited to a maximum of 24 34 feet. Building colors shall be earth tone and shall not exceed a light reflectivity of 60%."

Tom Hudson, Zoning Administrator, provided a report. The applicant requested a modification of rezoning Condition No. 16 to allow a building height of 34 feet. The Planning and Zoning Commission and staff recommended approval with modified conditions.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez to close the public hearing, approve the request and modify Condition No. 16 to allow a maximum building height of 34 feet and include the Letter of Agreement dated June 18, 2008, from Casas Adobes II Neighborhood Coalition that contained assurances between the neighborhood and the applicant.

# CO9-03-32 Original Rezoning Approval BOS Minutes 4-13-04

acres located on the south side of River Road, approximately 600 feet west of Swan Road. This rezoning was approved in 1999 and expired on February 16, 2004. Staff recommends **CLOSURE**. (District 1)

Dave Petersen, Zoning Administrator, stated the applicant no longer seeks to rezone the property. The property reverts back to SR which would comply with the Comprehensive Plan. There has not been any public comment.

On consideration, it was moved by Supervisor Day, seconded by Chair Bronson, and unanimously carried by a five to zero vote, to close the public hearing and approve the closure of this rezoning case.

## 14. DEVELOPMENT SERVICES: REZONING

Co9-03-32, LEE, ET. AL. - ORANGE GROVE ROAD REZONING  
Request of Tony and Bella Lee, et. al., represented by Stantec Consulting, Inc., for a rezoning of about 9.55 acres from SR (Suburban Ranch) to TR (Transitional) consisting of about 5.11 acres and SR Restricted (Suburban Ranch) consisting of about 4.44 acres located on the southwest corner Orange Grove Road and San Joaquin Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners RedDog and Staples were absent) to recommend **APPROVAL WITH AN ADDITIONAL CONDITION** and subject to standard and special requirements. Staff recommends **DENIAL**. (District 3)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED: COMPLETION OF THE FOLLOWING REQUIREMENTS WITHIN FIVE YEARS FROM THE DATE OF REZONING APPROVAL 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 without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The property owner(s) shall provide pavement widening on Orange Grove Road to provide for a continuous center left turn lane from where the existing left turn/center lane ends to the west of the rezoning site (east of the Mona Lisa Road intersection) and tie the center left turn lane widening into

- the west edge of the La Cholla Boulevard improvements west of the La Cholla Boulevard and Orange Grove Road intersection, as approved by the Department of Transportation.
- B. The property owner(s) shall dedicate to Pima County 70 feet of right-of-way for Orange Grove Road and shall provide a building setback of 130 feet from the centerline of the right-of-way for Orange Grove Road.
  - C. One access point shall be allowed on Orange Grove Road.
  - D. Internal access shall be provided to the west of the property as shown on the Preliminary Development Plan.
8. Flood Control conditions:
    - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
    - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
    - C. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
  9. Wastewater Management condition:  
The property owner(s) 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.
  10. Natural Resources, Parks and Recreation condition:  
The property owner(s) shall provide a non-motorized public recreational trail easement over the entirety of the Pegler Wash corridor.
  11. Adherence to the preliminary development plan as approved at public hearing.
  12. A minimum of 95% of the Pegler Wash riparian area shall be preserved as natural open space as defined in the zoning code. The limits of the Pegler Wash riparian area shall be delineated using the Harris Riparian Maps generated for the Sonoran Desert Conservation Plan and shall be shown on all development plans, grading plans, and native plant preservation plans.
  13. Detention/retention basins shall be revegetated with plant species native to the site. The plan for the revegetation of the basins shall be shown on the landscape plan(s) required to be submitted for review and approval by the Development Services Department.
  14. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. The following plants are prohibited anywhere within the rezoning site.
    - Fountain grass (*Pennisetum setaceum*)
    - Buffelgrass (*Pennisetum ciliare*)
    - Johnson grass (*Sorghum halapense*)
    - Giant reed (*Arundo donax*)
    - Common crabgrass (*Digitaria sanguinalis*)
    - Pampas grass (*Cortaderia selloana*)
    - Red brome (*Bromus rubens*)
    - Mediterranean grass (*Schismus spp.*)
    - Tree of heaven (*Ailanthus altissima*)
    - African sumac (*Rhus lancea*)
    - Russian olive (*Eleagnus angustifolia*)
    - Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
    - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Burmuda

- Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)
15. Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy-owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.
  16. Building heights shall be limited to a maximum of 24 feet along Orange Grove Road. Building colors shall not exceed a light reflectivity of 60%.

Dave Petersen, Zoning Administrator, stated the request is for development of offices and the preservation of Pegler Wash which runs through the site. The Planning and Zoning Commission recommended approval subject to standard and special requirements. Staff recommended denial due to lack of concurrency for transportation as the lack of road capacity and improvements are not planned until the year 2012. There has been one letter of public comment from a neighborhood representative who supports the rezoning but would like a height restriction added along with color and glare limitations which was added by the Planning and Zoning Commission.

Chair Bronson asked the applicant if the additional conditions set forth by the Planning and Zoning Commission regarding the height restriction and the limitation of colors to earth tone were acceptable?

Gordon Stone, applicant, replied the additional conditions were acceptable.

On consideration, it was moved by Chair Bronson, seconded by Supervisor Day, and unanimously carried by a five to zero vote, to close the public hearing and approve the rezoning subject to standard and special requirements and additional conditions regarding a 24 foot height restriction and limiting the color of the buildings to earthtone colors.

15. DEVELOPMENT SERVICES: REZONING AND EXTENSION

Co9-87-46, WESSEX DEVELOPMENT COMPANY - FLOWING WELLS ROAD REZONING

Request of River Corners Pad Investments, L.L.C., et. al., represented by Bourne Properties, Inc., for a five-year time extension for the above referenced rezoning from SH (Suburban Home) to CB-1 (Local Business) for 2.73 acres located on the southwest corner of Flowing Wells Road and