



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: November 21, 2017

**Title:** Co9-11-08 ANDRADA INVESTORS LLC - ANDRADA ROAD (ALIGNMENT) REZONING (Resolution)

**Introduction/Background:**

The Board of Supervisors approved a five-year Time Extension subject to original and modified conditions for this Rezoning on July 11, 2017.

**Discussion:**

This Resolution reflects the Board of Supervisors' approval of the Rezoning Time Extension.

**Conclusion:**

The time limit and conditions contained in Rezoning Ordinance 2012-28 may be modified by resolution.

**Recommendation:**

Approval of the Resolution.

**Fiscal Impact:**


N/A

**Board of Supervisor District:**

1       2       3       4       5       All


Department: Development Services Department - Planning Telephone: 520-724-9000

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date:  10-23-17

Deputy County Administrator Signature/Date:  11/2/17

County Administrator Signature/Date:  11/2/17

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**Subject: Co9-11-08**

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**FOR NOVEMBER 21, 2017 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division  
**DATE:** October 30, 2017

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**RESOLUTION FOR ADOPTION**

**Co9-11-08** **ANDRADA INVESTORS LLC – ANDRADA ROAD (ALIGNMENT) REZONING**  
Owner: Andrada Investors, LLC, Attn: Robert Tucker  
(District 4)

**If approved, adopt RESOLUTION NO. 2017 - \_\_\_\_\_**

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**OWNERS:** Andrada Investors, LLC  
Attn: Robert Tucker  
2200 E. River Road, Ste. 115  
Tucson, AZ 85718-6577

**AGENT:** None

**DISTRICT:** 4

**STAFF CONTACT:** David Petersen

**STAFF RECOMMENDATION: APPROVAL.**

TD/DP/ar  
Attachments

cc: Co9-11-08 File  
Tom Drzazgowski, Principal Planner

RESOLUTION 2017-\_\_\_\_\_

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-11-08 ANDRADA INVESTORS LLC – ANDRADA ROAD (ALIGNMENT) REZONING; LOCATED APPROXIMATELY ONE AND THREE-FOURTHS MILES WEST OF HOUGHTON ROAD, THREE-FOURTHS MILE WEST OF ANDRADA ROAD, AND ONE MILE NORTH OF SAHUARITA ROAD AND LOCATED APPROXIMATELY THREE AND THREE-FOURTHS MILES WEST OF HOUGHTON ROAD, TWO AND THREE-FOURTHS MILES WEST OF ANDRADA ROAD, AND ONE AND ONE-HALF MILES NORTH OF SAHUARITA ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2012-28.**

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

1. On April 3, 2012, in rezoning case Co9-11-08, the Pima County Board of Supervisors approved the rezoning of approximately 637.3 acres located approximately 1  $\frac{3}{4}$  miles west of Houghton Road,  $\frac{3}{4}$  mile west of Andrada Road, and one mile north of Sahuarita Road as shown on Exhibit A from RH (Rural Homestead) to RH-® (Rural Homestead – Restricted Zone), SR (Suburban Ranch Zone), CR-5 (Multiple Residence Zone) (Small Lot Subdivision Option), TR (Transitional Zone), and CB-1 (Local Business Zone) and of approximately 79 acres located approximately 3  $\frac{3}{4}$  miles west of Houghton Road, 2  $\frac{3}{4}$  miles west of Andrada Road, and 1  $\frac{1}{2}$  miles north of Sahuarita Road as shown on Exhibit A from RH (Rural Homestead) to RH-® (Rural Homestead – Restricted Zone), subject to standard and special conditions.
2. On June 5, 2012, the Pima County Board of Supervisors adopted rezoning Ordinance 2012-28, recorded at Sequence 20121630661, rezoning the approximate 716.3 acres described in rezoning case Co9-11-08 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2012-28.
4. On July 11, 2017, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions.
5. Section 3 of Ordinance No. 2012-28 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2012-28 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.~~
61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
72. A master block plat along with the studies and/or plans required by various departments shall be submitted prior to any individual subdivision plats or development plans.
83. Transportation conditions:
  - A. The property owner/developer(s) shall dedicate 75 feet half right-of-way for Andrada Road, along the northern boundary of the rezoning.
  - B. The property owner/developer(s) shall dedicate 150 feet right-of-way, for Kolb Road along the western boundary of the western portion of the rezoning.
  - C. The property owner/developer(s) shall dedicate 75 feet half right-of-way for Rita Road, along the western boundary of the eastern portion of the rezoning.
  - ~~D. Development shall comply with a 105 feet building setback measured from the centerline on Andrada Road located along the north boundary of the rezoning.~~
  - ED. The property owner(s)/developer(s) shall enter into a Development Agreement with Pima County addressing, at a minimum, offsite improvements, phasing of access and right-of-way as approved by the Department of Transportation.
94. Flood Control conditions:
  - A. A Master Drainage Report shall be submitted with the Master Block Plat or the initial individual block individual block submittal whichever comes first for the Regional Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. The report shall determine final boundaries of the Lee Moore Wash Basin Management Study Flow corridors and associated Regulated Riparian Habitat for preservation within open space.

- B. The property owner(s) shall dedicate right-of-way or easements for drainage and riparian preservation purposes to the Flood Control District and/or a Homeowners Association, as determined necessary during the development review process.
- C. The property owner(s) 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.
- D. All-weather access shall be provided to all lots to meet concurrency requirements.
- E. A Riparian Habitat Mitigation Plan and Conservation Plan shall be submitted during the development review process. This Plan shall address maintenance, restoration and mitigation of Regulated Riparian Habitat not just where it may be disturbed but also within the Lee Moore Wash Basin Management Study Flow Corridors on the developed portion of the project and also within the western set-aside area.
- F. A final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the block plat or development plans (for commercial) detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.

405. Wastewater Reclamation conditions:

- A. The owner(s) ~~/developer~~ 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) ~~/developer~~ to that effect.
- B. ~~By accepting this rezoning, t~~The owner(s) ~~/developer~~ acknowledges and agrees that there is no existing treatment facility for this development in the Southlands Service Basin and that the Corona de Tucson WRF was not designed to provide service for these downstream parcels. Any connection to the Corona de Tucson WRF will require augmentation of the treatment capacity.
- C. ~~By accepting this rezoning, t~~The owner(s) ~~/developer~~ acknowledges and agrees that in order to be served by the Corona de Tucson WRF, a conveyance system must be constructed by the owner(s) ~~/developer~~. Pima County shall decide whether this system will be conveyed to public ownership, or operated as a private sewer system by the owner(s) ~~/ developer~~.
- D. The owner(s) ~~/developer~~ shall prepare a study of the sewer basin at his or her sole expense for the purposes of determining the routing and sizing of all off-site and on-site private or public sewer facilities necessary to provide both conveyance and treatment capacity and service to the rezoning area, and / or

for the purpose of conceptual phasing of a pump station. The owner(s) / ~~developer~~ shall fund, design and construct the necessary wastewater collection, conveyance and treatment facility improvements necessary to serve the rezoning area, as determined by the basin study.

E. The owner(s) / ~~developer~~ shall sewer the rezoning area as directed below:

- 1) At the time of Block Platting, a detailed basin study and a financial analysis of all viable options shall be required to establish the method of sewer service and required capacity.
- 2) The rezoning area may be sewered using private gravity sewers and a private sewage pumping station that discharges via a private force main to the Corona de Tucson WRF, only if authorized by the Pima County Regional Wastewater Department in their written documentation that treatment capacity for the proposed development is available.
- 3) If Pima County allows the conveyance system to be public, the rezoning area may be sewered using public sewers, if and only if the owner(s) / ~~developer~~ meets the following conditions:
  - a. The owner(s) / ~~developer~~ may fund, design and construct the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
  - b. Upon approval of the basin study, the owner(s) / ~~developer~~ shall enter into a master sewer service agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system and their timing.
  - c. A ~~sewer~~ master sewer service agreement must be approved by the Pima County Regional Wastewater Reclamation Department prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit.
  - d. Should the rezoning area be serviced to the Corona de Tucson Wastewater Treatment facility, the owner(s) / ~~developer~~ shall provide all weather, unrestricted vehicular access to all new public sewer manholes within the rezoning area. The owner(s) / ~~developer~~ shall obtain all necessary public sewer easements within the rezoning area prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit at his / her own expense.

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

416. Office of Sustainability and Conservation conditions:

- A. Landscaping in developed areas will be limited to native plants.
- B. A Conservation Plan ~~will~~ shall be submitted with the initial submittal of the block plat and be approved by the Planning Director, or their designee, prior to the approval of the final block plat. The Conservation Plan will include, but not be limited to the following:
  - 1) An evaluation of the potential to retain the existing stock tank for purposes of water harvesting, riparian resources, and as a source of water for wildlife. Where potential exists, recommendations as to how such purpose(s) can be accomplished will be included.
  - 2) A program for the entirety of the rezoned property that will reduce grazing pressure to levels that will improve on-site ecological conditions. This program will also evaluate elimination of cattle grazing and present an implementation schedule, as appropriate.
  - 3) A quantitative assessment of the entire project area to determine biological and vegetative quality and will: include observations of saguaro and Pima pineapple cactus; map areas suitable to receive transplanted and replacement specimens of saguaro, Pima pineapple cactus, and other plantings intended to augment undeveloped areas; and delineate any mitigation measures that exceed the regulatory requirements of the Native Plant Preservation Ordinance (18.72) for Pima pineapple cactus that will be implemented as part of block platting or subsequent subdivision platting stages.
  - 4) Describe and generally identify the location of those water-harvesting measures that will be used to support and promote riparian areas and other re-vegetated areas.

427. Cultural Resources conditions:

- A. If the recorded National Register-eligible cultural resources within the current development property cannot be avoided during construction, a cultural resources mitigation treatment plan shall be developed and implemented before any construction begins. The mitigation treatment will address impacts on the resources by archaeological data recovery (excavation). All work shall be conducted by an archaeologist permitted by the Arizona State Museum. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

- B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws A.R.S. § 41-865 and A.R.S. § 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.

438. Natural Resources, Parks and Recreation conditions:

- A. With the submittal of a subdivision plat, a recreation area plan shall be submitted and meet the requirements of 18.69.090 Residential recreation area.
- B. G047 Southlands Greenway, as identified in the Pima Regional Trail System Master Plan, shall be located on the southern side of Andrada Road and within the subject property, installed at the time Andrada Road is constructed and meet the greenway standards as stated in the master plan.

449. Environmental Planning conditions:

- A. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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:**

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



Digitaria spp.	hybrid)
Elaeagnus angustifolia	Crabgrass
Eragrostis spp.	Russian olive
	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

4510. Adherence to the preliminary development plan shall be required. A maximum of 1,736 dwelling units shall be allowed.
4611. A mix of housing types shall be provided to insure a diverse community. Single-family detached residential development shall not be allowed within the CAC TR and CB-1 mixed-use activity center or area(s).
4712. A three hundred (300) foot wide lower-density residential buffer area shall be located along the perimeter of the site where residences exist adjacent to the project (Parcel "I" on the preliminary development plan). The buffer area shall allow no more than one residence per acre, lighting shall be shielded and will be directed within the project, not offsite, and a fifty (50) foot minimum rear setback is required for buildings. The 300-foot transition area will be designated as a Study Area, with the uses within the Study Area further defined at the time of platting. Informational meetings with residents will be held during the refinement of land uses within the Study Area.
4813. No two-story structures shall be allowed along the 300-foot perimeter of the property where there are abutting, existing residences. All homes located adjacent to the spine road within the property will be limited to single-story. Only single-story homes will be allowed on corner lots at intersections of neighborhood streets. No more than three, two-story houses will be constructed in a row. No continuous walls along the south property line or where there are abutting, existing residences.
4914. The development shall incorporate safe and convenient facilities for children to walk to school and/or provide safe and convenient staging areas for children to wait for school buses.
2015. If wells are used, they shall be located in the northern half of the rezoning site.
2416. 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.

~~22. The property owner(s) / developers(s) 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.~~

~~23~~17. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

~~24~~18. An alternative energy plan, including solar features within the homes similar to the Civano development, shall be submitted with the block plat.

~~25~~19. The development shall provide enhanced water harvesting.

Section 2. Section 3 of Ordinance No. 2012-28 is restated and modified as follows:

1. Conditions 1 through ~~25~~ 19 shall be completed by April 3, ~~2017~~ 2022.
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 ~~25~~ 19 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.

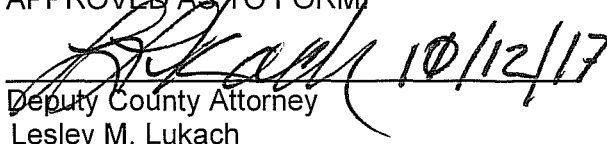
Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:


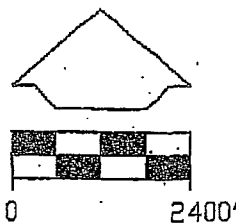
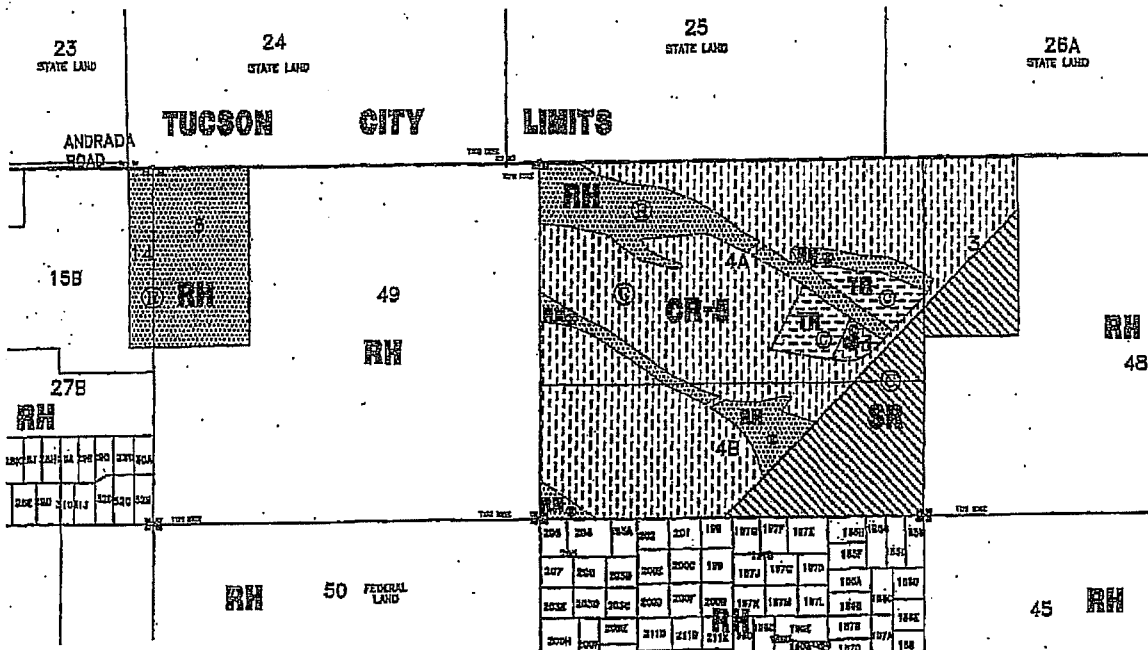
 10-16-17  
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO'S, 3, 134 BY ORDINANCE NO, 2012-28  
 TO PIMA COUNTY ZONING MAP NO'S, 387, EPC TUCSON, AZ,  
 PARCEL'S 030, 04A, 04B, 050 & 140 LOCATED IN THE W 1/2 OF  
 NW 1/4 OF SEC 3, SEC 4, W 1/2 OF NW 1/4 OF SEC 5 AND  
 PORTION OF NE 1/4 OF SEC 6 ALL WITHIN T17S R15E.



ADOPTED June 5, 2012 EFFECTIVE June 5, 2012



*Ortiz*

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM RH 716.3 ac±  
 ds-APRIL 30, 2012

CO9-11-08  
 CO7-05-17  
 CO7-05-18