

## STADIUM DISTRICT BOARD MINUTES

The Pima County Stadium District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, November 19, 2013. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman  
Sharon Bronson, Vice Chair  
Richard Elías, Acting Chair  
Ally Miller, Member  
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator  
Chris Straub, Chief Civil Deputy County Attorney  
Robin Brigode, Clerk of the Board  
James Ogden, Sergeant at Arms

### 1. **CONTRACT**

Metropolitan Tucson Convention and Visitors Bureau d.b.a. Visit Tucson, F.C. Tucson Events, L.L.C. and Major League Soccer, L.L.C., to provide for MLS preseason training camp and Desert Diamond Cup exhibition matches, Stadium District Fund, contract amount not to exceed \$200,000.00 (CT-KSC-14-204)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

### 2. **CONTRACT**

Metropolitan Tucson Convention and Visitors Bureau d.b.a. Visit Tucson and F.C. Tucson Events, L.L.C., to provide for team contracting services, Stadium District Fund, contract amount not to exceed \$80,000.00 (CT-KSC-14-205)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

### 3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:09 p.m.

ATTEST:

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
CLERK

## **BOARD OF SUPERVISORS' MEETING MINUTES**

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, November 19, 2013. Upon roll call, those present and absent were as follows:

Present:                Ramón Valadez, Chairman  
                             Sharon Bronson, Vice Chair  
                             Richard Elías, Acting Chair  
                             Ally Miller, Member  
                             Ray Carroll, Member

Also Present:        Chuck Huckelberry, County Administrator  
                             Chris Straub, Chief Civil Deputy County Attorney  
                             Robin Brigode, Clerk of the Board  
                             James Ogden, Sergeant at Arms

### **1. INVOCATION**

The invocation was given by Pastor Audrey Rogers, Vision Ministries Outreach.

### **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. PERSONAL POINT OF PRIVILEGE**

Supervisor Miller invited the community to donate pet supplies to help Pima Animal Care and to participate in a dog walk.

### **5. CALL TO THE PUBLIC (for Executive Session items only)**

The Chairman inquired whether anyone wished to address the Board. No one appeared.

### **6. CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:12 a.m.

7. **RECONVENE**

The meeting reconvened at 9:28 a.m. All members were present.

**EXECUTIVE SESSION**

8. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding First American Title Insurance Company, et al., v. Pima County, Arizona Tax Court Case No. TX2012-000580, Tax Parcel Nos.: 304-35-0230 to 3700 (348 consecutive parcels); and 304-69-5130 to 6510 (61 nonconsecutive parcels) for tax year 2013.

Chris Straub, Chief Civil Deputy County Attorney, stated the case involved a challenge to the valuation of approximately 409 tax parcels for tax year 2013, in the Canoa Ranch Block 27 South Subdivision, located west of I-19 and south of East Canoa Ranch Road. The proposed settlement would reduce the full cash value for the parcels from their current assessed values and the values would not roll over to tax year 2014. The legal classification and assessment ratio would remain the same. He stated the approximate total decrease in taxes for all parcels would be \$30,048.22 and that the County Assessor and County Attorney's Office recommended approval.

It was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to accept the recommendation.

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding First American Title Trust 9139, et al., v. Pima County, Arizona Tax Court Case No. TX2011-000621, Tax Parcel Nos.: 304-74-0410, 304-74-0450 to 0460, 304-74-0880 to 0900, 304-74-0990 to 1020, 304-74-1120, 304-74-1140 to 1160, 304-74-1180, 304-74-1230 to 1510, 304-74-1570 to 1730, 304-74-2000 to 2620, 304-74-3000 to 3660, 304-74-3680 to 4040, 304-74-4180, 304-74-4200, 304-74-4380 to 4390, 304-74-4410 to 4420, 304-74-4460 to 4490, 304-74-4520 to 4530, 304-74-4550, 304-74-4570 to 4640, 304-74-4660, 304-74-4680 to 5360, 304-74-5380 to 5650, 304-74-5660 to 5670, 304-74-5710, 304-74-5720 to 5900, 304-74-5960 to 5980, 304-74-6020 to 6070, 304-74-6090 to 6100, 304-74-6180, 304-74-6290, 304-74-6350, 304-74-6500 to 7020, 304-74-7050 to 7070, 304-74-7100, 304-74-7140, 304-74-7180, and 304-74-7210 to 7620 for tax year 2012.

Chris Straub, Chief Civil Deputy County Attorney, stated the case involved a challenge to the valuation of approximately 504 tax parcels for tax year 2012, in the Madera Highlands Subdivision, located near the intersection of Esperanza Boulevard and I-19 in Green Valley. The proposed settlement would reduce the full cash value for the parcels from their current assessed values, and the values would not roll over to tax year 2013. The legal classification and assessment ratio would remain the same. He stated the approximate total decrease in taxes for all parcels would be \$24,000.00 and that the County Assessor and County Attorney's Office recommended approval.

It was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to accept the recommendation.

10. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding First American Title Insurance Company, et al., v. Pima County, Arizona Tax Court Case No. TX2010-001045, Tax Parcel Nos.: 304-35-0230 to 3700 (348 consecutive parcels); and 304-69-5130 to 6510 (61 nonconsecutive parcels) for tax year 2011.

Chris Straub, Chief Civil Deputy County Attorney, stated the case involved a challenge to the valuation of approximately 409 tax parcels for tax year 2011, in the Canoa Ranch Block 27 South Subdivision, located west of I-19 and south of East Canoa Ranch Road. The proposed settlement would reduce the full cash value for the parcels from their current assessed values and the values would roll over to tax year 2012. The legal classification and assessment ratio would remain the same. He stated the approximate total decrease in taxes for all parcels would be \$70,139.73 and that the County Assessor and County Attorney's Office recommended approval.

It was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to accept the recommendation.

11. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding First American Title Insurance Company, et al., v. Pima County, Arizona Tax Court Case No. TX2012-000591, Tax Parcel Nos.: 304-74-0410, 304-74-0450 to 0460, 304-74-0480 to 0860, 304-74-0880 to 0900, 304-74-1230 to 1480, 304-74-1570 to 1730, 304-74-1750 to 4040, 304-74-4180, 304-74-4200, 304-74-4380 to 4390, 304-74-4420, 304-74-4470, 304-74-4530, 304-74-4580 to 4630, 304-74-4680 to 5360, 304-74-5380 to 5650, 304-74-5660, 304-74-5680, 304-74-5710, 304-74-5720 to 5900, 304-74-5960, 304-74-5980, 304-74-6030 to 6040, 304-74-6060, 304-74-6500 to 7020, 304-74-7050 to 7060, 304-74-7100, 304-74-7140, 304-74-7180, and 304-74-7210 to 7640 for tax year 2013.

Chris Straub, Chief Civil Deputy County Attorney, stated the case involved a challenge to the valuation of approximately 557 tax parcels for tax year 2013, in the Madera Highlands Subdivision, located near the intersection of Esperanza Boulevard and I-19 in Green Valley. The proposed settlement would reduce the full cash value for the parcels from their current assessed values and the values would roll over to tax year 2014 with the exception of the following parcels: 304-74-1710, 304-74-4420, 304-74-4610, 304-74-5710 and 304-74-7270. The legal classification and assessment ratio would remain the same. He stated the approximate total decrease in taxes for all parcels would be \$42,000.00 and that the County Assessor and County Attorney's Office recommended approval.

It was moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the recommendation.

## **COUNTY ADMINISTRATOR**

### **12. Revisions to Board of Supervisors' Procurement Policies**

Staff recommends approval of the revisions to the following Board of Supervisors' Policies:

- D29.1 - Selection and Contracting of Architectural and Engineering Related Professional Services and Alternative Project Delivery Methods
- D29.2 - Procurement Policy
- D29.3 - Small Purchase Policy
- D29.4 - Contracts Policy
- D29.8 - SBE Policy

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the item.

## **FRANCHISE/LICENSE/PERMIT**

### **13. Fireworks Permit**

Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, November 30, 2013 at 8:00 p.m.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit.

### **14. Bingo License**

11-06-8028, Richard Burdette, Retired Seniors Bingo Organization, 8701 S. Kolb Road, Tucson, Class A - Small Game.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Revenue.

### **15. Liquor License**

13-20-9162, Andrea Dahlman Lewkowitz, Pilot Travel Center No. 593, 5570 E. Travel Plaza Way, Tucson, Series 10, Beer and Wine Store, New License.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

## DEVELOPMENT SERVICES

### 16. Comprehensive Plan Amendment

#### Co7-13-08, LANDMARK TITLE TR 18109 - W. SUNSET ROAD PLAN AMENDMENT

Request of Landmark Title TR 18109, represented by The WLB Group, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Low Intensity Urban 0.5 (LIU 0.5) for approximately 71.50 acres and Resource Transition (RT) to remain Resource Transition (RT) for approximately 6.4 acres located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino de Oeste, in Section 13, T13S, R12E, in the Tucson Mountains/Avra Valley Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Bain, Poulos, Holdridge and Membrilla were absent) to recommend ~~APPROVAL SUBJECT TO REZONING POLICIES~~. Staff recommends APPROVAL ~~SUBJECT TO REZONING POLICIES~~. (District 3)

Chris Poirier, Assistant Planning Director, provided the staff report and stated 75 letters and a petition, mostly expressing concern or protest, had been received and included concern from both the Tucson Mountains Association and the Coalition for Sonoran Desert Protection. He stated that staff had recommended approval as there would be a better conservation land system outcome with this project than the existing platted subdivision and that if approved the applicant would be eligible for a CR-1 rezoning.

Supervisor Miller questioned open space and recreational areas between the existing and new plan. Mr. Poirier explained the existing plan provided protection by having easements through private lots and the new plan had dedicated areas which was historically easier to enforce.

Paul Owen, The WLB Group, Inc., explained the area had a mix of SR and CR1 lots and that the cluster process allowed better protection of the wash areas to preserve the major corridor and important riparian areas. He stated they would continue to work with the Coalition and the Association and added that the traffic impact would be minimal and that Sunset Road was currently only at 7 percent of capacity.

The following speakers addressed the Board:

- Christopher Cole
- Harry Ohden
- Jimmy Curry
- Carl Sandberg
- Geeta Sandberg
- Elna Curry
- Cheyenne Curry
- Dr. Jacqueline Soule
- Peter Chesson, Tucson Mountains Association

- Carolyn Campbell, Coalition for Sonoran Desert Protection
- Mark Weber

They offered the following comments:

- Change was constant and growth was inevitable.
- Concern was expressed over more traffic.
- If a change to 3.3 acres was approved it should apply to everyone in the area.
- There was no market for SR.
- Conservation Land System requirements should be met.
- There would be more septic tanks and leach fields.
- Concern over this development causing a water shortage and too many homes for the acreage.
- Sunset Road was a rollercoaster, there were traffic fatalities and the school was at capacity.
- Wildlife would be put in jeopardy.
- Buffers around washes needed to be broader.
- Open space should be configured for wildlife movement, special species management, multi-use areas, and peaks and ridges.

Supervisor Elías questioned the amount of traffic on Sunset Road and asked that a report be provided on vehicular accidents in the area.

Priscilla Cornelio, Transportation Director, explained that currently traffic was relatively low and that there had been fatalities two to three years ago and that since that time over a million dollars had been spent to correct the site visibility distance.

Supervisor Bronson stated that it was important moving forward that access from the project to the street be limited and that other remedies be pursued to address public safety. She added that the current plat was detrimental to conservation and to the area.

It was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-08, to direct the land owner to work with the Coalition for Sonoran Desert Protection and the Tucson Mountains Association to address the four items listed below as provided in the November 18, 2013 letter by the Coalition, and to direct staff to provide a report on traffic, safety incidents and fatalities on Sunset Road.

1. Extend and widen the open space corridor in and around the eastern Important Riparian Area to better connect this open space to the open space to the south. This will be accomplished by working with the flow pattern from northeast to southwest.
2. Widen the open space on the eastern edge of the property to provide more north-south connectivity.
3. Provide more overall open space within the CLS categories of SSMA and MUMA.
4. Protect peaks and ridges on the property by ensuring that they will remain undeveloped.

17. **Comprehensive Plan Amendment**

Co7-13-03, LAWRENCE C. LEUNG, INC. - N. THORNYDALE ROAD PLAN AMENDMENT

Request of Lawrence C. Leung, Inc., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Neighborhood Activity Center (NAC) and Medium Intensity Urban (MIU) for approximately 18.01 acres located on the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard, in Section 20, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos, Holdridge and Membrilla were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Arlan Colton, Planning Director, presented the staff report for Co7-13-03, Co7-13-04, Co7-13-05, and Co7-13-06 together as they were closely related and had been looked at regionally for the Conservation Land System. He summarized each request and reported they had received four different protest letters including a petition with 50 signatures in opposition to Co7-13-03; two written comments in opposition and one in support for Co7-13-04; five comments in opposition or concern to Co7-13-5; and 12 written comments and petitions with 69 signatures in opposition for Co7-13-6. He added they had also received two letters from the Coalition for Sonoran Desert Protection which requested full compliance to the Conservation Land System for all four cases.

Supervisor Miller questioned the preservation of the larger parcel and the potential impact to the neighborhood.

Chuck Huckelberry, County Administrator, explained the preservation of all 55 acres in Co7-13-04 would be more advantageous for preservation to preserve as it was adjacent to an existing open space or natural preserve of the Tucson Audubon Society and Arthur Pack Regional Park. He understood there was different ownership on the parcels that could be requested to be reordered in the rezoning. He said another concern would be that a large property adjacent to a developed area could fall into the category of development where the County would have no regulatory authority, such as a charter school.

Supervisor Elías stated there would be a biological conflict of very important small parcels which were surrounded by development on all sides. He also commented on the need to protect the ironwood population on these parcels.

Supervisor Carroll questioned the shift of density given the proposal to preserve the large 55 acre parcel.

Jim Portner, Projects International, Inc., reported on the character of the site noting the important riparian area which would need to be preserved leaving approximately



6.5 acres to develop. He spoke to the marketability of future development and discussed future compromise that would be needed should the large parcel remain preserved. He stated there were options and the flexibility to look at all of these sites at once to produce an overall plan for preservation on the combined four areas. He also stated it was their intention to maintain the existing character of the area.

The following speakers addressed the Board:

- William Scott
- Deslonde Lamb
- Kathy Dalecke
- Judith Yoder
- Stacia Ringer
- Carolyn Campbell, Coalition for Sonoran Desert Protection

They offered the following comments:

- The sahuaro, ironwood, paloverde, quail and other wildlife would be gone.
- There would be more traffic on Thornydale Road and congestion at Mountain View High School.
- Concerns were made regarding more vacant strip malls and store fronts.
- The schools in the area were at or over capacity.
- There would water shortages.
- Arthur Pack Regional Park and Tucson Audubon should be protected and preserved.
- The trade-off would be too great and tweaking would not get these comp plan amendments into compliance with the Conservation Land System requirements.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue the hearing to the Board of Supervisors' Meeting of January 21, 2014, to allow discussions between the Coalition for Sonoran Desert Protection and the property owners; that staff provide a report on traffic impact for the next hearing; that input be solicited from the Marana School District regarding capacity of the schools in the neighborhood; and that all cases be heard individually.

## **18. Comprehensive Plan Amendment**

### **Co7-13-04, PACIFIC INTERNATIONAL PROPERTIES, L.L.P. - N. THORNYDALE ROAD PLAN AMENDMENT**

Request of Pacific International Properties, L.L.P., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Neighborhood Activity Center (NAC) and Medium Intensity Urban (MIU) for approximately 54.95 acres located on the northwest corner of N. Thornydale Road and W. Cortaro Farms Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted, "Nay,"

Commissioners Poulos, Holdridge and Membrilla were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Clerk's Note: See Minute Item No. 17 for additional discussion relative to this case.

Jim Portner, Projects International, Inc., requested that all four cases remain together and that this case be continued.

Supervisor Miller questioned if the Coalition would be open to negotiation.

Carolyn Campbell, Executive Director of the Coalition for Sonoran Desert Protection, explained that they had been working for the past 13 years on compliance to the minimum standards of the Conservation Land System.

The following speakers addressed the Board:

- Paul Green, Executive Director, Tucson Audubon
- Bob Cook, Commissioner, Planning and Zoning Commission

They offered the following comments:

- The goal was to maintain the most undisturbed natural habitat possible.
- Commercial development could be beneficial as it may provide a buffer on the corner.
- Audubon Society would be willing to manage the open space property through agreement.
- There was compelling reason to upzone this property.
- Conservation Land System plan should be enforced.
- Transit would need to be in place prior to future development in this area.

Supervisor Miller made a motion to close the public hearing and approve Co7-13-04. The motion died for lack of a second.

It was then moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to continue the hearing to the Board of Supervisors' Meeting of January 21, 2014.

## 19. **Comprehensive Plan Amendment**

### Co7-13-05, MANDARIN ASSOCIATES - N. THORNYDALE ROAD PLAN AMENDMENT

Request of Mandarin Associates, represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) for approximately 17.77 acres located at the northwest corner of N. Thornydale Road and W. Magee Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos,

11-19-2013 (9)

Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Tom Webb addressed the Board also representing his neighbors. He stated that the higher density was troubling and any development should have buffers. He didn't want their homes to be a casualty in the development.

Clerk's Note: See Minute Item No. 17 for additional discussion relative to this case.

Jim Portner, Projects International, Inc., requested that all four cases remain together and that this case be continued.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue the hearing to the Board of Supervisors' Meeting of January 21, 2014.

## 20. **Comprehensive Plan Amendment**

### Co7-13-06, HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT

Request of Hardy-Thornydale I Associates, et al., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) for approximately 30.0 acres located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornydale Road, in Section 29, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Richey voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Clerk's Note: See Minute Item No. 17 for additional discussion relative to this case.

Jim Portner, Projects International, Inc., requested that all four cases remain together and that this case be continued.

The following speakers addressed the Board:

- Ron Beckett
- Katherine Harper-Beckett
- Jed Benninghoff
- Gilbert Williams
- Hans DeWeerd
- Ann Campbell
- Rolf Ziegler

They provided the following comments:

- This parcel was unique from the other four.
- People moved to this area for the rural environment.

- There should be buffers and smart planning.
- Property values would go down.
- The area should be developed as it is currently planned.
- The wildlife would be displaced.
- There would be more flooding, traffic and noise pollution.
- Nature in the area should be conserved.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Elías voted "Nay," to continue the hearing to the Board of Supervisors' Meeting of January 21, 2014.

## 21. Rezoning Time Extension

### Co9-07-11, GUGINO - ESPERERO VISTA TRAIL EASEMENT REZONING

Request of Robert and Karolyn Gugino for a five-year time extension for the above-referenced rezoning from SR (BZ) (Suburban Ranch) (Buffer Overlay Zone) to CR-1 (BZ) (Single Residence) (Buffer Overlay Zone). The subject site was rezoned in 2007. The rezoning expired on September 11, 2012. The site is approximately 3.75 acres located on the north side of Esperero Vista Trail Easement, approximately 1,250 feet north of Sunrise Drive and approximately 1,800 feet west of Sabino Canyon Road. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED 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 or subdivision plat 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. The site is restricted to two lots, with one single family residence on each lot. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation condition:  
All driveway(s) or easements serving more than one dwelling unit shall be paved (chip sealed) within 6 months of permit issuance.
8. Flood Control condition:  
Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
9. Environmental Quality conditions:
  - A. The property owner shall connect to the public sewer system at the location and in the manner specified by Wastewater ~~Management~~ Reclamation at the time of review of the tentative plat, development plan, or request for building permit.
  - B. The existing road to serve this property shall be improved to meet the paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency. This demonstration shall be made prior to issuance of the Certificate of Compliance.

10. Wastewater conditions:
- A. The owner/developer shall not construe ~~no~~ 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 Management 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, 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~~ 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 ~~Pima County Wastewater Management Department~~ 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 ~~Wastewater Management Department~~ PCRWRD in its capacity response letter and as specified by the ~~Development Services Department~~ PCRWRD at the time of review of the tentative plat, development plan, 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, sewer construction plan, or request for building permit.
  - F. The owner/developer shall enter into a written agreement addressing the funding, 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 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.
11. Environmental Planning conditions:
- A. The applicants shall adhere to the greatest extent possible to the natural open space sketch plan submitted with their letter dated June 25, 2007.
  - B. No fences shall be erected on either lot in a manner that impedes wildlife movement through the natural open space from and to off-site locations.
12. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review.
  - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.

- C. Following rezoning approval, any subsequent development requiring a Type II grading permit shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
13. Subdivision Review conditions:
- A. Both lots are subject to Buffer Overlay Zone performance standards, as applicable.
- B. Any additional grading, on either lot shall require a single lot native plant preservation plan that also identifies buffelgrass patches for eradication.
14. 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~~ and sewer facilities.
15. 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)."
- ~~16. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services 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.~~
- ~~17.~~ 16. Adherence to the sketch plan as approved at public hearing.
- ~~18.~~ 17. No construction of buildings exceeding 24 feet in height shall be permitted without specific authorization from the Board of Supervisors. The Board of Supervisors reserves the right to limit construction to one story.
18. Upon the effective date of the Resolution, 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.

Chris Poirier, Assistant Planning Director, provided the staff report and stated no letters of protest had been received.

The Chairman 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 Co9-07-11, with modified standard and special conditions.

## 22. Rezoning Time Extension

Co9-08-08, RIVERSIDE ASSOCIATES, ET AL. - RIVER ROAD NO. 2 REZONING  
Request of Riverview Ventures, L.L.C., represented by The Planning Center, for a five-year time extension for a 4.11 acre portion of the above-referenced rezoning. The subject property was rezoned from SH (Suburban Homestead) to CB-2 (General Business) in 2008. The rezoning expiration date was October 21, 2013. The property is located on the south side of River Road, approximately 1,500 feet east of La Cholla Boulevard and 3,200 feet west of La Canada Drive. Staff

recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED 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, 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. Access is only allowed as shown on the 2011 revised Preliminary Development Plan or as approved by the Department of Transportation.
  - B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.
8. Flood Control conditions:
  - A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
  - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.
  - C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
  - D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
  - E. A riparian mitigation plan shall be required for development in designated riparian areas.
  - F. 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.
  - G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
9. Wastewater Reclamation conditions:
  - A. The owner/developer shall ~~not~~ not construe ~~as~~ an 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, 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~~ not

- 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 ~~Pima County Regional Wastewater Reclamation Department~~ 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 ~~Regional Wastewater Reclamation Department~~ PCRWRD in its capacity response letter and as specified by the ~~Development Services Department~~ PCRWRD at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - E. The owner/developer shall enter into a written agreement addressing the funding, 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 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:  
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
  - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
  - C. 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.
12. Natural Resources, Parks and Recreation conditions:
- A. At a minimum, two access points from Parcel A to the river park shall be provided.
  - B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.
  - C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
13. Environmental Planning conditions:
- A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.



- B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
- C. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and Pima County may enforce this rezoning condition against 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.

**Invasive Non-Native Plant Species Subject to Removal:**

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

14. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
15. 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~~ and 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 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)."

17. Adherence to the 2011 revised preliminary development plan as approved at public hearing (EXHIBIT B).
18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:
  - A. Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.
  - B. Off-site improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.
  - C. Responsibilities and funding of both private and public drainage improvements.
  - D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.
19. The following uses shall be prohibited in the TR portion of the rezoning site:
  - a. Temporary trailer or mobile or manufactured home
  - b. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
  - c. Factory-built (modular) buildings
  - d. Home auto repair
  - e. Open storage
  - f. Community service agency
  - g. Hospital or sanatorium
  - h. Community storage garage
20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
  - a. Auto mechanic repair
  - b. Automobile accessories, parts and supplies
  - c. Automobile lubrication and oil change operation
  - d. Automobile tires, batteries and accessories installation in conjunction with a department store
  - e. Billiard or pool hall
  - f. Garage for public storage only
  - g. Gasoline service station
  - h. Large-scale retail establishment
  - i. Laundromat, laundry and dry cleaning units
  - j. Mechanical and electronic games arcade
  - k. Shopping center, regional
  - l. Station: bus or stage
  - m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
  - n. Trailer rental
  - o. Wholesale of oil
  - p. Trailer or manufactured or mobile home for caretaker
  - q. Self-storage facility
21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.
23. The gross density shall be a minimum of 10 residences per acre.
- ~~24. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) 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.~~
- ~~25~~ 24. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.
- ~~26~~ 25. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

Tom Coyle, Principal Planner, provided the staff report and stated no public comment had been received.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-08-08, with modified standard and special conditions.

**23. Plat Note Modification**

Co12-93-11, SABINO ESTATES AT SABINO SPRINGS (Lot 17)

Request of Monterra Group L.P., L.L.P., represented by Randel Jacob Design Group, P.L.L.C., for a plat note modification of administrative control note No. 20(B) to increase the area of the development envelope from 9,200 square feet to 11,000 square feet on Lot 17 of the Sabino Estates at Sabino Springs subdivision (Bk. 45, Pg. 07), a portion of the Sabino Springs Specific Plan. The subject property is approximately 5.03 acres zoned SP (BZ) (Specific Plan) (Buffer Overlay Zone) and is located on the north side of Sabino Estates Drive, approximately one third of a mile east of Bowes Road and south of the Coronado National Forest. Staff recommends APPROVAL. (District 1)

Chris Poirier, Assistant Planning Director, provided the staff report and stated no public comment had been received.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co12-93-11.

**TRANSPORTATION**

**24. Traffic Ordinance**

ORDINANCE NO. 2013 - 58, of the Board of Supervisors, regulating parking on Sabino Canyon Road in Pima County. Staff recommends APPROVAL. (Districts 1 and 4)

A motion was made by Supervisor Elías to adopt the ordinance. The motion was withdrawn.

Supervisor Miller stated parking around the entrance to the Sabino Canyon Recreational Area had been an ongoing problem and her office had received a written complaint.

Priscilla Cornelio, Transportation Director, explained the ordinance presented was a housekeeping matter which consolidated three existing ordinances.

Supervisor Carroll asked whether alternatives could be pursued for overflow parking and to alleviate the problem of the issuance of parking citations.

Chuck Huckelberry, County Administrator, explained they could approach the U.S. Forest Service and our Congressional Delegation about the issue of parking.

The Chairman inquired whether anyone wished to address the Board. No one appeared. A motion was made by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

## **PRESENTATION/PROCLAMATION**

25. Presentation of a proclamation to Jai Smith, Health Education Specialist, Southern Arizona AIDS Foundation, proclaiming the day of Sunday, December 1, 2013 to be: "WORLD AIDS DAY"

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the item.

Supervisor Elías made the presentation to Mr. Smith, Health Education Specialist, Southern Arizona AIDS Foundation.

## **COUNTY ADMINISTRATOR**

26. **Urban Land Institute Advisory Panel**

Staff requests an allocation from the Board of Supervisors' Contingency Fund for participation in the Urban Land Institute Advisory Panel in the amount of \$15,000.00.

It was moved by Supervisor Carroll and seconded by Supervisor Bronson to approve this item. No vote was taken at this time.

Supervisor Miller commented on the utilization of the Contingency Fund when PAG, Rio Nuevo, TREO, Visit Tucson and Downtown Tucson Partnership were participants, that the funding would be a duplication of efforts, and that she could not support the item.

Chuck Huckelberry, County Administrator, explained that the contribution of the County was equivalent to that of the City of Tucson and that the County supported this effort as the largest employer in the downtown area.

Upon the vote, the motion carried 4-1, Supervisor Miller voted "Nay."

27. **Mission Manor Elementary School**

Staff requests an allocation from the Board of Supervisors' Contingency Fund to facilitate the participation of Mission Manor Elementary School fifth grade students in the Starbase Program at Davis-Monthan Air Force Base in the amount of \$2,960.

It was moved by Supervisor Elías and seconded by Supervisor Carroll to approve this item. No vote was taken at this time.

Supervisor Miller stated the Board has previously funded the Literacy Connects Program at the school, she did not believe it was a good use of the Contingency Fund, and she could not support the item.

Upon the vote, the motion carried 4-1, Supervisor Miller voted "Nay."

**ELECTIONS**

28. **Precinct Consolidation**

The Board of Supervisors on November 12, 2013, continued the following:

Staff requests approval of the proposed precinct consolidation for the 2014-15 election cycle.

Brad Nelson, Elections Director, provided the staff report regarding the reduction of election precincts to 248 and explained approval of the polling place locations would be presented to the Board for the 2014 election cycle.

It was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the item.

**DEVELOPMENT SERVICES**

29. **Final Plat With Assurances**

P1212-032, Rancho Valencia II, Lots 1-58 and Common Areas A, B & C. (District 2)

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

**CONTRACT AND AWARD**

**REAL PROPERTY**

30. Oracle Ridge Mining, L.L.C., Amendment No. 1, to provide a Deed of Release and Reconveyance Beneficial, no cost (CT-PW-13-416)

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the item.

## **BOARD, COMMISSION AND/OR COMMITTEE**

### **31. Arizona Municipal Property Corporation**

Reappointments: Frank Y. Valenzuela, Stanley Lehman, Cecilia Cruz, Virginia L. Yrun and John H. Payne. Term expirations: 11/19/14. (Corporation recommendations)

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the item.

## **DEVELOPMENT SERVICES**

### **32. Rezoning**

The Board of Supervisors on November 5, 2013, continued the following:

#### Co9-13-11, AZ SQUARE #7, L.L.C. - NOGALES HWY

Request of AZ Square #7, L.L.C., represented by Phil Williams, for a rezoning of approximately .83 acres from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone, on a portion of property at 9770 S. Nogales Highway located approximately two hundred feet south of Old Vail Connection Road, on the west side of Nogales Hwy. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Poulos, Membrilla, and Holdridge absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED. (District 2)

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. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north, south, and west. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.

- B. The property shall be limited to one access point on S. Nogales Highway as shown on the preliminary development plan. The existing easement serving the property (Dusty Lane) shall be closed prior to the issuance of the Certificate of Occupancy. Traffic from the easement shall be diverted through either the access point serving the rezoning site or through the access point for the proposed intersection improvement project at Old Nogales Highway, in a manner approved by the Department of Transportation. The access point will be located on the north boundary of the property as approved at the existing access point easement known as Dusty Lane. This easement will serve as the only access point allowed for this site, as well as for the property owner's adjacent property to the north and west.
8. Regional Flood Control District condition: First flush retention of the first 0.5 inch of rainfall shall be provided on-site for site landscaping and water harvesting.
  9. Cultural Resources condition: In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with Arizona State Museum (ASM) to assess the potential significance of any unearthed materials (ARS §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (ARS §41-865 & §41-844).
  10. Adherence to the sketch plan as approved at public hearing.
  11. 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.
  12. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
  13. Upon the effective date of the rezoning ordinance associated with this rezoning, 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 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.

Priscilla Cornelio, Transportation Director, explained staff had worked with the developer and both parties had agreed to the amended access changes to the property.

It was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve Co9-13-11 with standard and special conditions, as amended.

### 33. **Type II Conditional Use Solar Farm**

The Board of Supervisors on November 12, 2013 continued the following:

P21-13-023, ASARCO, INC - E. PIMA MINE RD.

Request of Asarco Inc., represented by The Planning Center, on property located at 915 E. Pima Mine Rd. (multiple tax codes), in the RH & GR-1 zones, for a  
11-19-2013 (22)

conditional use permit for a Solar Farm (aka Solar Power Plant). Chapter 18.97 in accordance with Sections 18.13.030B35 & 18.14.030B22 of the Pima County Zoning Code allow a Solar Farm as a Type II conditional use in the RH and GR-1 zones. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 2)

Standard Conditions per the Pima County Zoning Code

1. Receive an approved Type II conditional use permit.
2. Receive an approved Development Plan.

Special Conditions

1. This conditional use permit approval is for a solar farm (solar power plant) and its ancillary/support activities only, the type and character of which are depicted on the submitted development plan (DP). No other uses of a commercial nature are permitted.
2. The development of the property shall proceed in general conformance with the site layout and improvements as shown on the submitted DP.
3. The maximum height of the solar panels shall be no more than eight feet (8').
4. The entry drive from the solar panel field to Pima Mine Road shall be treated with a suitable dust-control measure such as gravel, a surface palliative treatment, or conventional asphalt paving. The applicant shall coordinate appropriately (prior to, or during, the formal Development Plan review process) with the Central Arizona Project (CAP) so as to insure that CAP retains suitable access for conducting all required monitoring activities in accordance with its Arizona Department of Water Resources (ADWR) permit.
5. Access is approved off of Pima Mine Road at the same location that the Central Arizona Project (CAP) currently accesses the Pima Mine Recharge Facility. In the future, should Pima County develop the Sonoran Corridor, alternative access may be required if determined by DOT. In such case, the applicant will work with Pima County Department of Transportation and ASARCO LLC (the landowner) to provide an alternate access.
6. The utility poles that will service the solar farm, from the solar farm project substation to the southern boundary of the ASARCO LLC property at Pima Mine Rd., shall be spaced generally following the existing 138kv line located approximately 50 feet west of the western ASARCO LLC property line.

Tom Drzazgowski, Zoning Inspection Supervisor, provided the staff report and stated no public comment had been received. He said the continuance of this item had been requested to address access concerns.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P21-13-023 with standard and special conditions, as amended.

**CONSENT CALENDAR**

**34. Call to the Public (for Consent Calendar items only)**

The Chairman inquired whether anyone wished to address the Board. No one appeared.



35. **Approval of the Consent Calendar**

It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Consent Calendar in its entirety.

**CONTRACT AND AWARD**

**Health**

1. Amphitheater Unified School District, Amendment No. 3, to provide childhood immunizations and extend contract term to 9/10/14, no cost (CTN-HD-12-83)

**Procurement**

2. Deconcini, McDonald, Yetwin & Lacey, P.C., Amendment No. 2, to provide legal representation to Merit System Commission/Law Enforcement Council and extend contract term to 12/6/14, General Fund, contract amount \$14,000.00 (MA-PO-12-315) Human Resources
3. CBIZ Benefits and Insurance Services of Arizona, Inc., Amendment No. 6, to provide employee benefit consulting services and extend contract term to 12/14/14, General Fund, contract amount \$50,000.00 (MA-PO-B506994-BC) Human Resources

4. **Award**

Award of Contract for Solicitation No. 85650 and authority to proceed to negotiations with B&F Contracting, Inc. (Headquarters: Phoenix, AZ) the respondent submitting the highest scoring proposal for construction manager at risk services for the North Rillito Interceptor Rehabilitation Project. The initial contract will be in an amount not to exceed \$200,000.00 for pre-construction services. At the completion of pre-construction services, the County and contractor will agree on a guaranteed maximum price (GMP) for construction of the project that RWRD will submit to the Board for further approval. Total cost for this project including pre-construction services and construction services is not expected to exceed \$18,500,000.00. Construction is to be completed no later than July 2016. In the event a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms in the following order: Achen-Gardner Construction, Inc., and KE&G Construction, Inc. Funding Source: RWRD Obligation Fund. Administering Department: Regional Wastewater Reclamation.

## **Sheriff**

5. Town of Oro Valley, Town of Marana, City of South Tucson, Town of Sahuarita, Pascua Yaqui Nation and Tucson Airport Authority, Amendment No. 2, to provide for the Pima Regional S.W.A.T. Team and extend contract term to 4/14/18, no cost (CT-SD-14-185)

## **GRANT APPLICATION/ACCEPTANCE**

- 6 **Acceptance - Community Services, Employment and Training**  
Arizona Community Action Association, to provide administration of the energy program funding to eligible low-income clients for weatherization services, utility repair/replacement and utility deposits/bill assistance, TEP Rate Case Settlement Fund, \$33,750.00.
7. **Acceptance - Health Department**  
The Arizona Association of Community Health Centers, Inc., to provide Navigators for the Health Insurance Exchange, US Department of Health and Human Services, \$39,000.00.

## **BOARD, COMMISSION AND/OR COMMITTEE**

8. **Metropolitan Energy Commission**  
Appointment of Neil Markowitz, to replace Philipp Miller. Term expiration: 11/30/14. (Commission recommendation)

## **SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION NO. 2002-273**

9. Christine Ann McNamara, Handmaker Jewish Services for the Aging, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, November 9, 2013.
10. Melinda Marit Udovich, VFW Post 10254, 10111 S. Sasabe Highway, Tucson, November 16, 2013.
11. John S. Brell, Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, November 10, 2013.

## **ELECTIONS**

12. Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations:

### **RESIGNATIONS-PRECINCT-PARTY**

Thomas D. Walker-029-DEM; Pat E. Kilburn-183-REP; Matthew C. Smith-143-GRN; June A. Pitts-286-GRN

## **FINANCE AND RISK MANAGEMENT**

### **13. Duplicate Warrants - For Ratification**

Amy Romero Williams \$9.79; Lawrence I. Rerecich \$14.24; Milton E. Beaty II \$33.80; Phoenix Trading, Inc. \$3,870.00; Circuit-Tron Corp. \$434.25; Signal Gates \$110.00; Christopher C. Nadler \$156.71; Wanda Marie Edwards \$14.24; Tony Lee Cunningham \$390.00; Jose L. Chaidez \$350.00; Senergy Petroleum, L.L.C. \$53,418.95; Nicole Marie Dominguez-Kinion \$267.29; David Tarnow \$66.00; Hector Palomino \$136.50

## **REAL PROPERTY**

### **14. Right-of-Way Easement**

Tucson Electric Power Company, to provide a right-of-way easement across Tax Parcel No. 118-18-0890, described in Sequence 20080900744 and located in Section 15, T13S, R13E, G&SRB&M, Pima County, Arizona, \$350.00 revenue (District 2)

### **15. Right-of-Way Easement**

Tucson Electric Power Company, to provide a right-of-way easement across Tax Parcel No. 115-18-037A, which is located in Section 2, T14S, R13E, G&SRB&M, Pima County, Arizona, \$7,300.00 revenue (District 5)

## **TRANSPORTATION**

### **16. Permission to Advertise**

Magee Road, Road Establishment No. 3017  
December 17, 2013 (District 1)

## **RATIFY AND/OR APPROVE**

17. Minutes: October 15, 2013

### **36. CALL TO THE PUBLIC**

William Scott spoke regarding the Comprehensive Plan Amendments on Thornydale Road and stated that crowding will cause an imbalance with both people and the environment.

Mary Ann Murphy addressed the Board regarding the growth and development of homeowners associations in the Green Valley area.

37. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:09 p.m.

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
CLERK