

MMB Conservation Lands System

IRA

SSMA

MUMA

IRA

IRA

MUMA

Multiple Use Management Area (MUMA)

W SUNSET RD

N ↑

Site

W HIDDENWOOD PL

Important Riparian Area (IRA)

IRA

N SILVERBELL RD

Outside

IRA

3.4 Environmental Element

Natural Resources, Pima County, Arizona

The Environmental Planning Element calls for analysis, policies and strategies to address anticipated effects of implementation of plan elements on natural resources. Policies and strategies under this plan element are designed to have countywide applicability. Conservation actions are to be encouraged, and protection of biological resources is considered an essential component of land- use planning.

The Maeveen Marie Behan Conservation Lands System (CLS) is designed to protect biodiversity and provide land use guidelines consistent with the conservation goal of the Sonoran Desert Conservation Plan (SDCP).

The CLS identifies areas important to the conservation of our natural resources heritage and embodies the biological goal of the SDCP which is to “ensure the long-term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the habitat conditions and ecosystem functions necessary for their survival.”

Exhibits 3.4.1 and 3.4.2 show the CLS for eastern and western Pima County and are located at the end of this section.

Goal 1: Conserve and protect natural resources

Policy 1:

CLS category designations and CLS Conservation Guidelines apply to land uses and activities undertaken by or under the jurisdiction of Pima County or Pima County Regional Flood Control District (Flood Control District) as follows:

- a) Pima County and the Flood Control District will seek consistency with the CLS for federal and state land-use decision plans and processes;
- b) Application of CLS designations or guidelines shall not alter, modify, decrease or limit existing and legal land uses, zoning, permitted activities, or management of lands;
- c) When applied to development of land subject to county or Flood Control District authority, CLS designations and guidelines will be applied to:
 1. New rezoning and specific plan requests;
 2. Time extension requests for rezoning cases;
 3. Requests for modifications or waivers of rezoning or specific plan conditions, including substantial changes;
 4. Requests for Comprehensive Plan amendments;
 5. Type II and Type III conditional use permit requests; and
 6. Requests for waivers of subdivision platting requirement of a zoning plan.
- d) Implementation of these policies shall achieve the level of conservation necessary to protect a site’s conservation values, preserve landscape integrity, and provide for the movement of native fauna and pollination of native flora across and through the landscape; and
- e) Projects subject to these designations and guidelines will be evaluated against the Conservation Guidelines for the CLS categories provided in conservation guideline policies, where applicable, to determine their appropriateness.

Conservation Guidelines

- Policy 2: The Conservation Guidelines for the associated CLS designation apply to the total acreage of the site that lies within the boundaries of that designation:
- a) If a CLS designation applies to a portion of a site, Conservation Guidelines for that designation will apply only to that portion of the site affected by that category;
 - b) For purposes of this policy, site is defined as a single lot or combination of contiguous lots; and
 - c) Where more than one CLS categories overlap, the more protective Conservation Guideline will apply to the affected portion.
- Policy 3: The following Conservation Guidelines apply to Important Riparian Areas (IRA):
- a) Across the entirety of the CLS landscape, at least 95 percent of the total acreage of lands within this designation shall be conserved in a natural or undisturbed condition;
 - b) Every effort should be made to protect, restore and enhance the structure and functions of IRA, including their hydrological, geomorphological and biological functions;
 - c) Areas within an IRA that have been previously degraded or otherwise compromised may be restored and/or enhanced;
 - d) Such restored and/or enhanced areas may contribute to achieving the 95 percent conservation guideline for IRA;
 - e) Restoration and/or enhancement of degraded IRA may become a condition or requirement of approval of a comprehensive plan amendment and/or rezoning; and
 - f) On-site mitigation is preferable, however mitigation may be provided on-site, off-site, or in combination.

Pima County Comprehensive Plan
Special Area Policy S-8 Tucson Mountains North

Town of Marana

S-20

S-20



W SUNSET RD

W SUNSET RD

S-8

Site

W. Hiddenwood Pl

N. Camino de Oeste

S-8

S-8

City of Tucson

S-8 Tucson Mountains North (TM)

General location

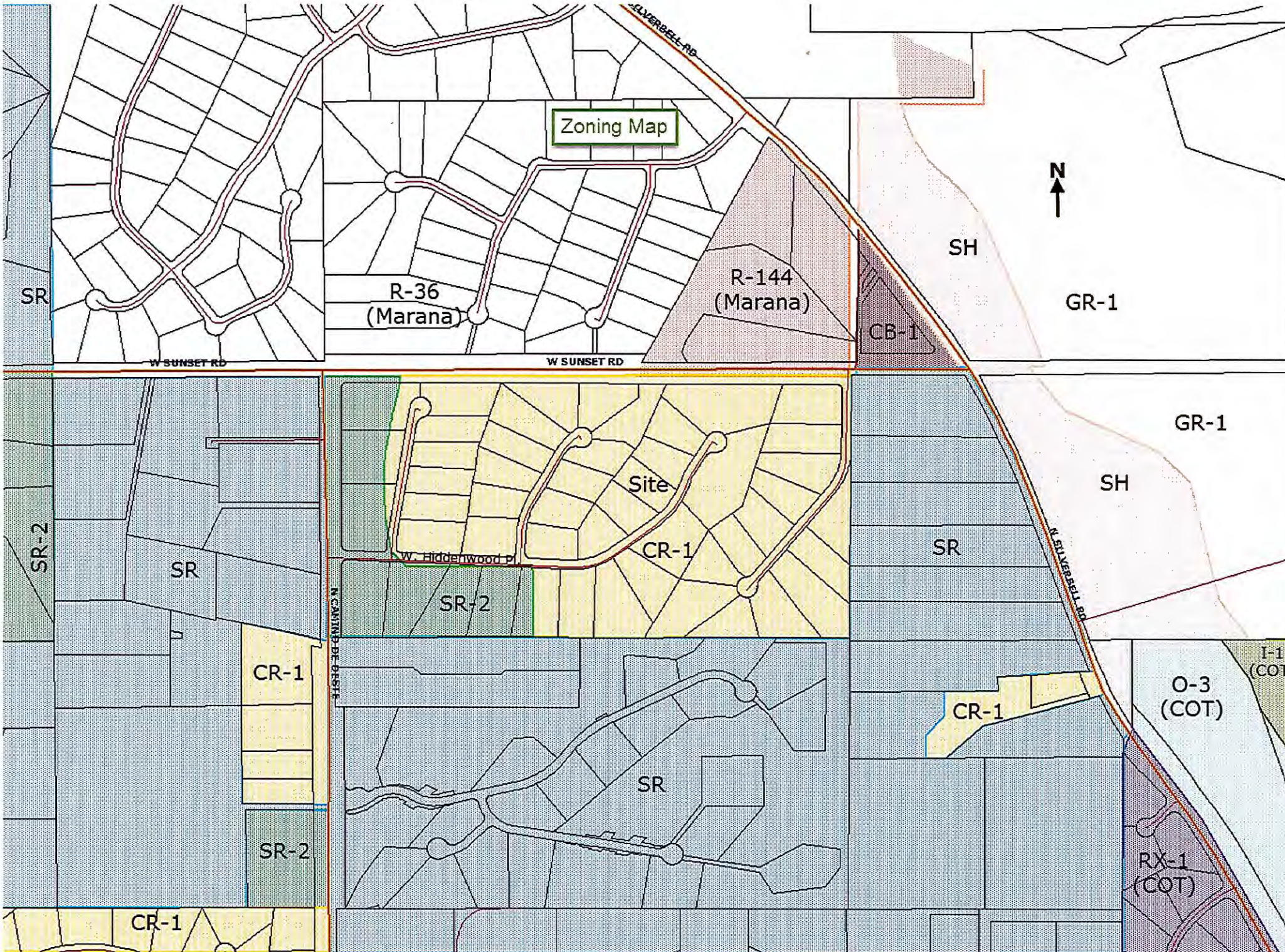
Within portions of Township 13 South, Range 12 East; Township 13 South, Range 13 East, Township 14 South, Range 12 East and Township 14 South, Range 13 East.

Description

The northern portion of the planning area is located between urbanizing areas in the City of Tucson and the public reserves of Tucson Mountain Park and Saguaro National Park, and is distinguished by rugged terrain, highly diverse vegetation, significant wildlife habitat, and many riparian areas. The purpose of the Tucson Mountains North Special Area is to protect this special environment while planning for expected growth. To achieve this purpose, planning strategies include: 1) declining westward land use intensities; and 2) a low-density conservation area and buffer to Tucson Mountain Park and Saguaro National Park.

Policies

- A. Structures. All structures west of Silverbell Road shall be limited to a maximum height of 24 feet, and shall be sited and landscaped to minimize negative visual impacts. All structures shall be of a color which is in context with the surrounding environment.
- B. Open Space Dedication. Natural area designations not dedicated to and accepted by Pima County for restricted use as a perpetual open space at the time of an exchange for an allowed density increase on a given portion shall, for those parcels, provide that the property owners within 660 feet and the Tucson Mountains Association are nominal beneficiaries of the natural open space created.
- C. Notwithstanding the zoning districts permitted under the Comprehensive Plan Land Use Plan Legend, SH (Suburban Homestead Zone) and RH (Rural Homestead Zone) shall not be permitted.
- D. Notwithstanding the zoning districts permitted in accordance with the Major Resort Community provisions, CPI (Campus Park Industrial Zone) or TR (Transitional Zone) shall not be permitted.





P0230
PIMA CO CLERK OF THE BOARD
PICKUP

AMOUNT PAID \$ 0.00

RESOLUTION NO. 2004- 287

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY;
RELATING TO ZONING IN CASE CO9-94-55 WALKER/LAWYERS TITLE
TRUST #5587-T - SUNSET ROAD REZONING LOCATED ON THE
SOUTHEAST CORNER OF CAMINO DE OESTE AND SUNSET ROAD;
AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND
TIME LIMITS SET FORTH IN SECTION 3 OF ORDINANCE NO. 1995-
70.

The Pima County Board of Supervisors finds and declares that:

1. On October 28, 1994, the owners of 137.0 acres applied for a rezoning from SR to SR-2 & CR-1;
2. On February 21, 1995, the Pima County Board of Supervisors approved the rezoning, subject to standard and special conditions;
3. On August 1, 1995, the Pima County Board of Supervisors adopted rezoning Ordinance No. 1995-70, as recorded in Docket 10117, Page 1388, rezoning the 137.0 acres described in rezoning case Co9-94-55 (see attachment EXHIBIT "A");
4. On November 8, 1996, The Town of Marana annexed 59.94 acres of the rezoning site;
5. On September 10, 2002, the owners of the remaining 77.06 acres rezoned under Ordinance No. 1995-70 applied for a modification (substantial change) of rezoning condition #13;
6. On December 3, 2002, The Pima County Board of Supervisors denied the request for a modification (substantial change) to rezoning condition #13;
7. On July 22, 2003, the owners of 77.06 acres applied for a rezoning time extension;
8. On December 16, 2003, the Pima County Board of Supervisors approved a one-year time extension subject to existing, modified and additional conditions;
9. On February 4, 2004, the owners of 77.06 acres applied for a modification (substantial change) of rezoning condition #13,

66

1 subject to existing, modified and additional conditions (see
2 attachment EXHIBIT "B"); and
3

- 4 11. Ordinance No. 1995-70 allows the Board of Supervisors to amend
5 the rezoning time limit and conditions by resolution.
6

7
8 Now, therefore, be it resolved by the Pima County Board of
9 Supervisors that:

10
11 Section 1. The Pima County Board of Supervisors hereby reaffirms
12 and modifies the rezoning conditions represented in Section 2 of
13 Ordinance No. 1995-70 as follows:
14

15
16

- 17 1. Submittal of a development plan if determined necessary by the
18 appropriate County agencies.
19
20 2. Recording of a covenant holding Pima County harmless in the
21 event of flooding.
22
23 3. Recording of the necessary development related covenants as
24 determined appropriate by the various County agencies.
25
26 4. Provision of development related assurances as required by the
27 appropriate agencies.
28
29 5. Recording a covenant to the effect that there will be no further
30 subdividing or lot splitting without the written approval of the
31 Board of Supervisors.
32
33 6. Prior to the preparation of the development related covenants
34 and any required dedication, a title report (current to within
35 60 days) evidencing ownership of the property shall be submitted
36 to the ~~Department of Transportation, Real Property Division~~
37 Development Services Department, Document Services Division.
38
39 7. Transportation conditions:
40 A. Provision of all necessary improvements on Silverbell Road,
41 Camino De Oeste and Sunset Road as determined necessary
42 during the plan review process. These improvements shall
43 need the approval of Pima County and meet the appropriate
44 standards prior to the issuance of any building permits for
45 any portion of the subject property.
46
47 B. The property owner(s) shall reach a financial contribution
48 and/or construction agreement (Development Agreement) with
49 and acceptable to Pima County Department of Transportation
50 and Flood Control District prior to development plan or
51 subdivision plat approvals. Said agreement shall address
52 required road improvements and/or financial contributions
53 for area roads impacted by the proposed development.

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1 C. Dedications of 45 feet of right-of-way for the north half
2 and south half right-of-way of Sunset Road adjoining the
3 subject property. Dedications of 45 feet of right-of-way
4 for Silverbell Road and Camino De Oeste adjacent to the
5 subject property.
6

7 D. The property owner(s) for the portion of the rezoning south
8 of Sunset Road shall provide improvements to Camino de
9 Oeste from its intersection with Sunset Road to 400 feet
10 south of the rezoning site's southern boundary. These
11 improvements shall include, but are not limited to: 1)
12 Major pavement overlay (shoulder to shoulder for safety of
13 pedestrians, bicyclists and equestrians); and 2) Any
14 necessary safety improvements to the Camino de Oeste and
15 Sunset Road intersection, including left and right turn
16 lanes, as determined necessary by the Department of
17 Transportation.
18

19 8. Flood Control Conditions:

20 A. The property owner must dedicate all rights-of-way and/or
21 grant flowage easements for drainage purposes to Pima
22 County, as determined necessary by the Flood Control
23 District during the plan review process.
24

25 B. Drainage shall not be altered, disturbed or obstructed
26 without the written approval of the Flood Control District.
27

28 C. All internal drainage improvements and any external
29 drainage improvements required to mitigate drainage impacts
30 caused by the proposed development shall be constructed at
31 no cost to the District.
32

33 9. Department of Environmental Quality conditions--:

34 All proposed lots must have a minimum area of 43,560 square feet
35 (easements and ½ of abutting right-of-ways may be included in
36 the area calculation). The proposed lots shall be of sufficient
37 size and designed in such a manner to accommodate the proposed
38 residences, primary and reserve leach fields, and septic tanks,
39 while meeting all applicable setbacks for on-site sewage
40 disposal.
41

42 10. Concurrent with tentative plat or development plan submittal, a
43 plant preservation/mitigation study and plan shall be prepared
44 by an independent horticulturalist or other qualified
45 professional and submitted to the Planning Division for review
46 and approval. The developer shall preserve in place, relocate
47 or mitigate significant on-site cacti and trees as recommended
48 by the preservation plan, including but not limited to:
49 threatened or endangered plant species, plants on the Arizona
50 Protected Plants List, areas of riparian vegetation, or
51 significant wildlife habitat and corridors. In addition, each
52 saguaro removed of a height six feet or greater shall be
53 replaced within the site area with five four-foot high (minimum
54 height) specimen saguaros. For each relocated saguaro of a
55 height six feet or greater, an additional two four-foot high

1 (minimum height) specimen saguaros shall be planted within the
2 site area.

3
4 11. Building heights at the west and south boundaries of the parcel
5 are limited to 16 feet and one story. Building heights for the
6 remainder of the parcel are limited to 24 feet and one story.

7
8 12. There shall be no mass grading of residential lots. Grading
9 shall be limited to that necessary for primary and secondary
10 residential uses. A minimum of 50 percent of the rezoning site
11 shall remain as natural open space as defined in the Pima County
12 zoning code. Of the 50%, a minimum of 95% of the 100-year
13 floodplain of washes shall remain as natural open space. The
14 overall configuration of the 50% natural open space shall create
15 large blocks of undisturbed land by reducing the overall amount
16 of interface between developed area and undisturbed area (edge
17 effect). This additional natural open space can be provided
18 through designation of common area, individual on-lot set
19 asides, or a combination thereof.

20
21 13. Adherence to the Preliminary Development Plan as approved at
22 public hearing, except that for the for the portion of the
23 rezoning south of Sunset Road, access shall be limited to one
24 point on Sunset Road and one point on Camino de Oeste.

25
26 14. A 150-foot building buffer will be provided along the southern
27 border of lots 5-7. A 70-foot front yard setback will be
28 provided along the entry side of lots 1-4.

29
30 15. Lots 1-7 as shown on the preliminary development plan shall be
31 zoned SR-2.

32
33 16. Plants to be used for landscaping and revegetation shall be
34 drought tolerant native species which are compatible with native
35 vegetation endemic to the project area. Revegetated areas will
36 establish multiple height layers of vegetation that create a
37 ground cover layer, a shrub mid-story layer, and a canopy layer.
38 Landscaping and revegetation that occurs within the developable
39 area is exempt from landscaping and revegetation requirements
40 provided non-native vegetation is located within an area
41 enclosed by a solid wall or fence of a minimum of three feet in
42 height. Under no circumstances shall the following exotic plant
43 species be planted anywhere on the site:

44 Fountain grass (*Pennisetum setaceum*)

45 Buffelgrass (*Pennisetum ciliare*)

46 Johnson grass (*Sorghum halapense*)

47 Giant reed (*Arundo donax*)

48 Common crabgrass (*Digitaria sanguinalis*)

49 Pampas grass (*Cortaderia selloana*)

50 Red brome (*Bromus rubens*)

51 Mediterranean grass (*Schismus spp.*)

52 Tree of heaven (*Ailanthus altissima*)

53 African sumac (*Rhus lancea*)

54 Russian olive (*Eleagnus angustifolia*)

1 Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)
2 Bermuda grass (Cynodon dactylon) - exluding sod hybrid Burmuda
3 Lovegrasses (Eragrostis spp.) - excluding Plains lovegrass
4 (Eragrostis intermedia)
5

6 17. Unless the U.S. Fish & Wildlife Service provides information to
7 the contrary, the site shall be surveyed for the
8 presence/absence of the cactus ferruginous pygmy owl by an
9 entity qualified to perform biological surveys and who possesses
10 a valid permit from the U.S. Fish & Wildlife Service to perform
11 such surveys. Surveys shall be done according to the most
12 current protocol approved by the U.S. Fish & Wildlife Service.
13

14 18. Fences shall not be made of wire.
15

16 19. Structures shall be earth tone in color.
17

.....

18
19 Section 2. Section 3 of Ordinance 1995-70, "Time limits,
20 extensions and amendments of conditions", is hereby amended to read
21 as follows:
22

- 23 1. ~~Conditions 1 through 15~~ 19 shall be completed within eight
24 years from the date of the signing of this ordinance by the
25 ~~Chairman of the Board of Supervisors~~ satisfied by August
26 1, 2004.
27
- 28 2. The time limit may be extended by the Board of Supervisors
29 by adoption of a resolution in accordance with Chapter
30 18.91 of the Pima County Zoning Code.
31
- 32 3. No building permits shall be issued based on the rezoning
33 approved by this Ordinance until conditions 1 through ~~15~~
34 19 are satisfied and the Planning Official issues a
35 Certificate of Compliance.
36
- 37 4. The rezoning conditions of Section 2 may be amended or
38 waived by resolution of the Board of Supervisors in
39 accordance with Chapter 18.91 of the Pima County Zoning
40 Code.
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RESOLVED by the Board of Supervisors of Pima County, Arizona,
this 19th day of OCTOBER, 2004.

Sharon Bronson
Chair, Board of Supervisors
Date Signed: OCT 19 2004

ATTEST:

[Signature]
Clerk, Board of Supervisors

APPROVED AS TO FORM
[Signature]
Civil Deputy County Attorney

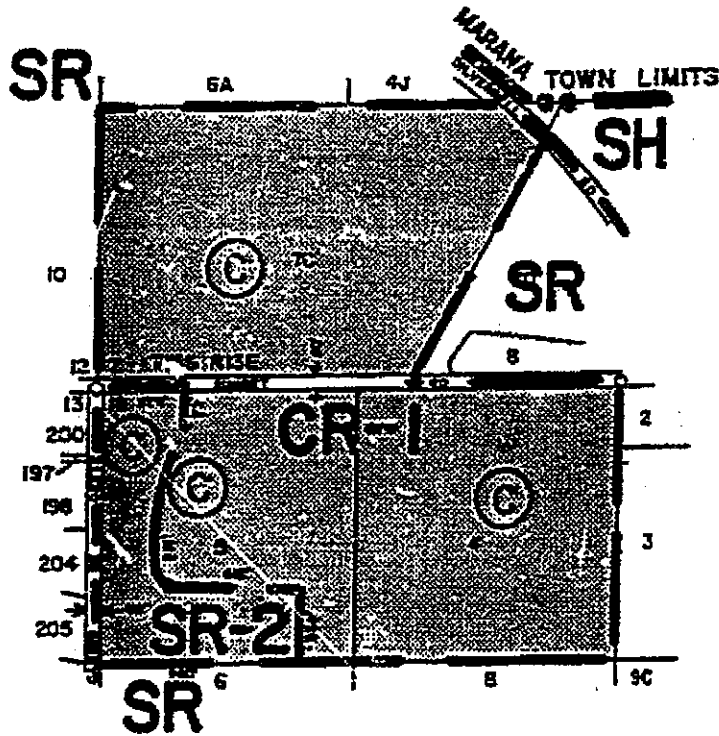
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EXHIBIT "A"

AMENDMENT NO. 58 BY ORDINANCE NO. 1995-70
TO PIMA COUNTY ZONING MAP NO. 44 TUCSON, AZ.
PARCELS 4, 5, and PORTION OF 7C BEING A PART OF THE
NW 1/4 OF SEC. 18 and the SW 1/4 OF SEC. 7, TISS RISE.



ADOPTED 8-1-95 EFFECTIVE 8-1-95



[Signature]
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
from SR 136.00 ac[±] (SR-2 14.00 ac[±], CR-1 122.00 ac[±])
sp- MAY 9, 1995

C09-94-55
C07-89-2
101-05-007C
101-21-0040-0030

10117 1391

1014121019800

Revised Access Plan for 77.06 Acres South of Sunset Road Co9-94-55

App'd at BOS hearing 4-20-04

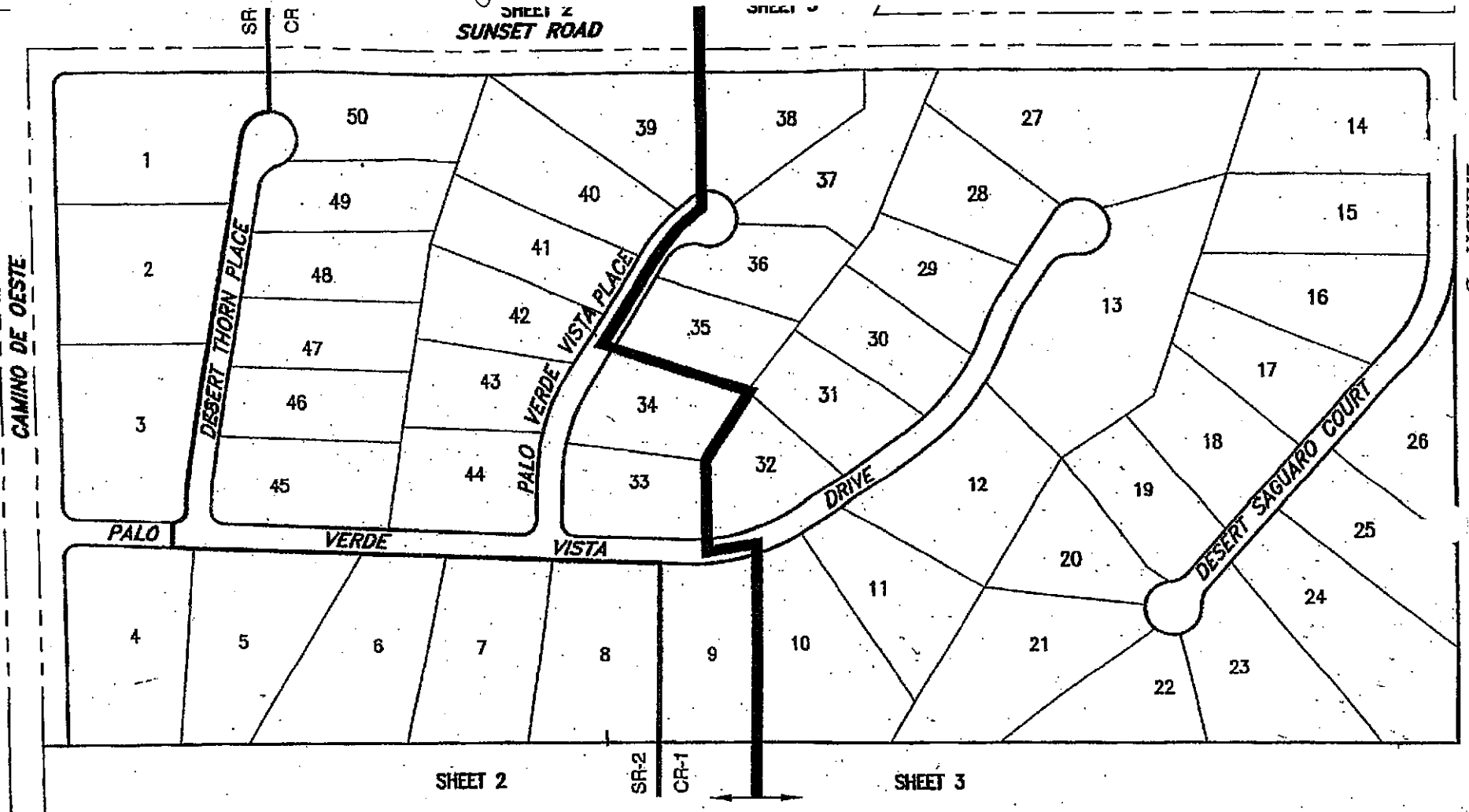


EXHIBIT "B"

HOCHO DIENT

SHEET INDEX MAP



Rezoning Time Extension Approval Co9-94-55 BOS Minutes 12-16-03

30. RECESS

Without objection, the Chair declared a closed captionist recess at 2:47 p.m.

31. RECONVENE

The Board of Supervisors meeting reconvened at 2:58 p.m. All members were present.

→ 32. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

The Board of Supervisors on November 18, 2003, continued the following to this date:

Co9-94-55, WALKER LAWYERS TITLE TRUST NO. 5587-T - SUNSET ROAD REZONING

Request of Sunset Capital, L.L.C., represented by Eric Lane, for a one-year time extension for a portion of the above referenced rezoning from SR (Suburban Ranch) to SR-2 (Suburban Ranch Estate) and CR-1 (Single Residence) encompassing 77.06 acres. The subject site was rezoned in 1994. The rezoning expired in 2003. The site is located on the southeast corner of Sunset Road and Camino de Oeste. Staff recommends **APPROVAL WITH CONDITIONS.** (District 3)

"Staff recommends **APPROVAL** of a one-year rezoning time extension to August 1, 2004, subject to the following revised and additional conditions:

- 9 Department of Environmental Quality conditions:
All proposed lots must have a minimum area of 43,560 square feet (easements and ½ of abutting right-of-ways may be included in the area calculation). The proposed lots shall be of sufficient size and designed in such a manner to accommodate the proposed residences, primary and reserve leach fields, and septic tanks, while meeting all applicable setbacks for on-site sewage disposal.
12. There shall be no mass grading of residential lots. Grading shall be limited to that necessary for primary and secondary residential uses. A minimum of 50 percent of the rezoning site shall remain as natural open space as defined in the zoning code. Of the 50%, a minimum of 95% of the 100-year floodplain of washes shall remain as natural open space. The overall configuration of the 50% natural open space shall create large blocks of undisturbed land by reducing the overall amount of interface between developed area and undisturbed area (edge effect). This additional natural open space can be provided through designation of common area, individual on-lot set asides, or a combination thereof.
16. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Landscaping and revegetation that occurs within the developable area is exempt from landscaping and revegetation requirements provided non-native vegetation is located within an area enclosed by a solid wall or fence of a minimum of three feet in height. Under no circumstances

shall the following exotic plant species be planted anywhere on the site:

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

17. Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service.
18. Fences shall not be made of wire.
19. Structures shall be earth tone in color."

Jim Mazzocco, Planning Official, stated this was a rezoning time extension request for one year from SR to CR-1 and SR-2 on 77 acres. This property was originally 136 acres and 55 acres on the north side was now in the Town of Marana. Staff recommended a time extension for one year. This item was continued on November 18, 2003, to allow the applicant time to meet with the neighbors. He indicated the applicant was well on the way to completing the platting process as they are at the final plat stage and ready to go.

Jim Portner, Projects International representing the applicant, stated the applicant was under a time constraint for the time extension. He met with the neighbors and worked with staff on the notification list which they expanded from the normal 300 foot limit to 1,000 feet. The Tucson Mountains Association was also invited to the meeting which was a small and comparatively quiet affair, but he felt it was helpful for all parties to have the opportunity to ask questions. After the meeting, he felt there was a much better comfort level and understanding of exactly what was proposed and the basic nature of the project. The density appeared reasonable with 50 lots on 80 acres, the open space, riparian and natural area set asides were done as mandated by staff and those set asides are substantial. The development would have custom homes as opposed to production homes which he felt was a better alternative than a set of production model homes. Most of the meeting time was spent discussing the visual impact on Sunset Road as the

result of this project being there. Under the present scheme and in order to meet current Town of Marana and Pima County roadway standards, there are significant cuts and fills that are necessary to the roadway in order to meet the present design standards. Many area residents are also concerned about the basic character of the roadway which is currently rural in nature with a kind of roller coaster kind of road that would change significantly as the result of effectuating this particular access plan.

Chuck Huckelberry, County Administrator, stated there is currently multiple access onto Sunset Road making the roadway improvements necessary to make it safe. He said Sunset Road is currently safe today, however, the roadway is very hilly and tends to keep the speed lower but when you begin adding side streets, it gets unsafe very quickly. One alternative to cutting the road down would be to bring that access in off the side street of Camino de Oeste and to close the accesses on Sunset Road, open one access to the south and connect it to Camino de Oeste. This would be achieved with very specific input from the two neighbors to the west who would be impacted by that connection. Input should be gained from these neighbors so the connection would not interfere with their driveways or the orientation of their homes. The character of this area is predominantly low density rural with one home for every three acres so this area really does not warrant the type of traffic roadway improvements in the plan. He recommended eliminating the access on those two points: to Sunset, push that access to Camino de Oeste but ensure it was done with the direct consultation of the neighbors on Camino de Oeste to ensure the change would not interfere with their driveways or the orientation of their homes and address any mitigation issues that might arise.

The following speakers addressed the Board in opposition:

1. Connie Topliff; and,
2. Pamela Traxler.

They provided the following reasons for their opposition:

- a. The County Administrator's recommendation for the roadway was in the original plan and was denied by the Board of Supervisors at that time;
- b. The recommended change would interfere with the expansion of the charter school;
- c. Rezoning expiration dates are in place for a reason;
- d. Rezonings need to be considered after a long period of time because changes occur;

- e. The surrounding area was 3.3 acre parcels with no adjacent subdivisions;
- f. The proposed subdivision would have a negative impact on the ambience and environment of the area which was the very reason many area residents purchased their homes;
- g. The subdivision would set a negative precedent for additional high density development in the area;
- h. Signatures of opposition numbering 85 were collected on a petition opposing the extension;
- i. If the Board approved the time extension, the neighbors requested one-story homes, a 10,000 square foot building envelope rather than 14,000 square feet and that Lots 11, 13, 14 & 15 be deleted to allow for a larger, more appropriate area for wildlife while maintaining a lower density;
- j. Area residents were appalled that the plan was to cut two hills down when they believed those hillsides were protected under a hillside grading law;
- k. Many area residents were unaware of the proposed rezoning; and,
- l. Threats were made that this area would be annexed by the Town of Marana, however, area residents were ready to take on that problem when and if it occurred.

The following speakers addressed the Board in support:

1. Don Wade;
2. Karl Geissler;
3. Beverly Weissenborn;
4. Joanne Sullivan; and,
5. Marissa Geissler.

The speakers provided the following reasons for their support:

- a. Area residents supported the time extension because the developer substantially complied with the preservation of wildlife, riparian and open space areas of the plan;
- b. The developer would make needed safety improvements on Sunset Road;
- c. Some of the hills on the roadways currently present significant visual and safety problems;
- d. As area residents, they had an interest in how the neighborhood would look and were concerned about what alternative development could go in without the controls currently in place in the proposed rezoning;
- e. Area residents in support would rather see a controlled property with custom homes with minimal impact to the land;

- f. Mr. Geissler presented a petition of area residents in support of the time extension and proposed development; and,
- g. Residents preferred access on Sunset Road only even if it entailed road improvements.

Mr. Portner stated in response to Ms. Traxler's comments regarding the three proposed conditions of approval. He declined on the issue of having one-story homes because there were no one-story limitations in effect for this area, and most of the homes are two story homes. With respect to the 10,000 square foot building envelope, that was an arbitrary way of doing it and felt it would not work in the best interest of all concerned. The plan put forward was much more well thought out in terms of looking at each individual lot, taking into account topography and other issues. Some lots would have a larger potential building envelope area while some lots would be less than 10,000 square feet to avoid violating County standards for development. He felt this plan was the best way of preserving large, uninterrupted, contiguous chunks of open space. He did not agree with the deletion of lots to create more open space or buffering because the channel boundary in that area is very, very narrow and is only 25-40 feet wide. The area gets well up over 100 feet, through the majority of the channel, because it is in the 100 year floodplain and was the designated corridor which would adequately accommodate wildlife. He said the original rezoning was effectuated by what would be called speculator, the property sat on the market for about four years before it was actually purchased by the present owner. The present owner is a true developer who wants to complete the project and follow through on the commitments that were originally made. Four years should be adequate time to get through the process, but a consultant was hired who did not do what they should have done. With respect to access and improvements, some of the comments made regarding the condition of Camino de Oeste as a street, he suggested there would be substantial road improvement costs involved with redoing Sunset Road. He suggested it would be reasonable to consider to have only a right turn exit situation with raised islands to effectuate that. The roadway condition of Camino de Oeste could be improved by doing an overlay to the existing pavement, a two-inch overlay from the south boundary of the property all the way up to the Sunset Road intersection to address the condition and circulation aspects of the roadway. There was an assertion that threats were made regarding annexation into Marana of this area, however, there was never any threat. When the question was asked of him at the meeting, he said it was the developer's intent to complete the project within Pima County and follow through with all their commitments.

Ms. Traxler addressed the Board to request that when safety and maintenance issues are reviewed for the roadway that the safety issues for pedestrian/equestrian traffic and speed limits also be reviewed.

Mr. Huckelberry stated the roadway conditions should be reviewed from shoulder to shoulder. If the Board was inclined to alter access, he suggested additional language should be placed into the conditions to ensure everyone on the west side on Camino de Oeste from Sunset Road all the way to the south two lots are included in the discussions about roadway improvements.

Mr. Portner requested the verbiage also include perfunctory language to allow the developer to make necessary lot line adjustments to cul-de-sac where there was formerly access points to maintain their lot disposition with minor modifications to effectuate the new access scheme.

On consideration, it was moved by Chair Bronson, seconded by Supervisor Elías, and unanimously carried by a five to zero vote, to close the public hearing.

Chair Bronson asked whether the turn would be right turn only?

Mr. Portner responded yes.

Mr. Huckelberry stated right turn only would be nice if we all lived in a perfect world, but in this area there is no channelization islands to control right turns only. Travel demand and direction would indicate that probably 90 percent of those trips would go to the north automatically. Adding an island configuration to make a right turn only would make the road more complicated than it needs to be. He suggested making that connection to improve the surface and durability of the road with a major overlay and begin 300 feet south of the property where several property would enjoy some benefit of the roadway improvements, take it all the way to Sunset Road and that improved roadway surface would make all the trips want to go north as opposed to making this a right turn only. He also suggested reviewing the intersection of Camino de Oeste and Sunset to ensure all the turning movements are safe. Lastly, he suggested that in the improvements of the section of the roadway that the neighbors from Sunset Road all the way to the two neighbors to the south participate in the actual design and improvement of that roadway including the mitigation measures. Those mitigation measures would include to the west, additional landscaping and screening based on where traffic turns and where their driveways are. Another

suggestion would be to address appropriate safety conditions for pedestrian, equestrian and bicycle users.

Chair Bronson stated she was conflicted because everyone made good points regarding this issue. This plan was a much better plan than the one proposed in 1994 because it would protect the maximum open space and ensure a reasonable way to maintain the rural lifestyle feel.

It was thereupon moved by Chair Bronson, seconded by Supervisor Day, to approve the time extension request for Co9-94-55, subject to the staff conditions and the conditions outlined by the County Administrator.

No vote was taken at this time.

Chair Bronson asked Mr. Huckelberry to repeat the extra conditions for clarification.

Mr. Huckelberry stated the access points on Sunset Road would be deleted, and the point of access would generally be the extension of the southern east/west roadway. That roadway, Camino de Oeste, would be improved at the sole expense of the developer from Sunset Road and Camino de Oeste to the south at least 400 feet south of the south boundary and that roadway improvement consist of necessary safety improvements at the intersection of Camino de Oeste and Sunset Road with a pavement overlay over the entire length of appropriate roadway improvements shoulder to shoulder to ensure the safety of pedestrians, equestrians and bicyclists. Further, that a design be consulted with the neighbors adjacent to roadway improvements and that their consultation was primarily for the purpose of ensuring mitigation measures desired by the neighbors to eliminate or reduce noise and visual impacts.

Jim Mazzocco, Planning Official, asked whether the discussion was about connecting the east/west road at Camino de Oeste?

Mr. Huckelberry responded yes and it would include cul-de-sacing the two connections that attach to Sunset Road.

Mr. Mazzocco stated doing that would constitute a change in a rezoning condition so that would have to come back as a public hearing.

Chair Bronson stated that was on the original rezoning request so she did not believe a public hearing was necessary.

Mr. Mazzocco explained the original preliminary development plan showed access only to Sunset. The applicant came back in 2002 to connect to Camino de Oeste which went through the public hearing process. That request was ultimately denied, and he was uncertain whether that change could be approved as part of the time extension.

Katharina Richter, Chief Civil Deputy County Attorney, stated since the change was advertised in 2002 and denied, the notification for this time extension did not indicate there would be a change. The proposed change would have to be advertised and come back to the Board. She suggested the Board grant the time extension with mitigation conditions with respect to roadways but it would still have to come back to the Board.

Mr. Portner stated his only concern was the fact the developer was under a time constraint and the uncertainty regarding what could and could not be done. With a public hearing all the same concerns would be addressed again leaving the Board with a difficult decision to make. He was confident the concerns of the neighbors were addressed in their meeting and that the developer could address all issues to the satisfaction of the neighborhood.

Chair Bronson asked whether there was a way to eliminate the cuts into the hillsides?

Kurt Weinrich, Director of Transportation of Flood Control, responded no.

Mr. Huckelberry suggested the Board approve the time extension, direct the zoning condition be modified and direct the developer to undertake those consultations with the neighbors about the roadway improvements and come back to the Board once the consultation has taken place and proper advertising was done.

Chair Bronson as the maker of the motion and Supervisor Day as the second, amended the motion to include the County Administrator's recommendation.

Upon the vote being taken, the motion carried unanimously by a five to zero vote, to approve the amended motion.

33. DEVELOPMENT SERVICES: REZONING

Co9-03-09, NORTH ORACLE/INA, L.L.C. - ORACLE ROAD REZONING
Request of North Oracle/Ina, L.L.C., represented by Laidlaw
Consulting, L.L.C., for a rezoning of about 0.76 acres from
CB-1 (Local Business) to CB-2 (General Business) located on

Rezoning Time Extension Continuance Co9-94-55 BOS 4 minutes 11-18-03

Without objection, the Chair declared a closed captionist recess at 10:27 a.m.

22. RECONVENE

The Board of Supervisors meeting reconvened at 10:42 a.m. All Board Members were present.

→ 23. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

Co9-94-55, WALKER LAWYERS TITLE TRUST No. 5587-T - SUNSET ROAD REZONING

Request of Sunset Capital, LLC, represented by Eric Lane

Jim Mazzocco, Planning Official, provided a report regarding this time extension request. Staff recommended approval of a one year time extension with added conditions because this area was in the Conservation Land System and is an important riparian area. Staff added the special condition that there be 50 percent natural open space, landscaping consist of native species vegetation and the requirement for a pygmy owl survey. One letter of protest was received on this request.

Jim Portner, Projects International representing the applicant, stated the applicant met the requirements of the floodplain and riparian areas and even surpassed those requirements. In addition, the applicant had no objections regarding other conditions that were imposed as conditions of approval for the original rezoning. He said the applicant was not aware of any objections.

The following individuals addressed the Board in opposition to the proposed time extension:

1. Pam Traxler; and,
2. Connie Topliff.

They expressed the following reasons and concerns for their opposition:

- a. Area residents requested a 90 day continuance of this item to allow time for area residents to review the proposed rezoning;
- b. The proposed rezoning would increase traffic in area already experiencing traffic congestion problems;
- c. This area has changed since the original rezoning was approved and neighbors were concerned the rezoning to increase density was no longer appropriate;
- d. When many area residents purchased their homes, they did so with the belief they were purchasing in an SR

area;

- e. Area residents were not aware of the proposed rezoning;
- f. It is possible this rezoning would set a precedent for other rezonings to occur in this area at a higher density and the possibility of annexation by Marana; and,
- g. The road flow in the area is already very dangerous due to limited sight distance, narrow roads, no shoulders, close calls with pedestrian and bicycle traffic and a fatality that occurred in the past year.

Mr. Portner stated he understood the concerns of the speakers since they just recently learned about the proposed rezoning, but he said many of the issues they addressed were incorporated in the original rezoning approval and the additional conditions just added to the time extension. The new conditions were added because when the original rezoning was approved, the Conservation Land System (CLS) did not exist and staff put together the new conditions to address riparian preservation and additional surplus set aside of natural area to ensure the CLS Policy was incorporated into the time extension approval. Traffic was an issue with the original rezoning, but two traffic studies were conducted and there are currently two improvement plans being reviewed by Pima County and the Town of Marana. Improvements are in place to address concerns regarding sight visibility at all intersections of Sunset Road, and the developer would bear the cost to take care of off site distance problems as addressed by the speakers. Regarding the continuance, the developer specifically requested a one year and one year only time extension because the developer has made a lot of progress by submitting a tentative plat, obtaining a 404 Permit, three years of pygmy owl surveys were conducted and everything done to date was carried out in a very environmentally conscious way and following through to the letter with the original Board approval. In addition, the one year time extension was requested so the developer could complete all plans before beginning development because they are very close to doing that. He expressed concern with a continuance because the developer would not know whether they still had a project because the rezoning was scheduled to expire on August 21, 2004, which would leave one-half year before everything could be completed and get the project done. He requested approval of the one year time extension since the developer was proceeding in a way that addressed the issues of concern.

Chair Bronson stated it was unfortunate for the developer to encounter opposition due to the amount of money already invested at this juncture.

On consideration, it was moved by Chair Bronson, seconded by Supervisor Elías, to continue this matter to the Board of Supervisors regular meeting January 20, 2004, along with a request for the developer to meet with surrounding property owners to allow them time to review the proposed rezoning and provide input.

No vote was taken at this time.

Supervisor Day asked Mr. Portner whether the 60 day continuance would allow the developer time to meet with the property owners?

Mr. Portner explained that time frame would be difficult to set up meetings on short notice due to the pending holiday season. In addition, he felt the issues were previously addressed so was unaware what else could be done, and he felt those opposed would still be inclined to be opposed even after meeting with the developer. In closing, Mr. Portner stated the developer addressed the issues expressed by the speakers in the rezoning process, but he expressed a willingness to reiterate those plans in more detail at a neighborhood meeting. He was concerned the information he could provide would not be any more substantive than was already incorporated into the rezoning and, if there was still opposition after the neighborhood meetings, the developer would not be in a very good position after completing 90-95 percent of the work. He requested staff assistance in notifying the neighbors about any meetings because the most affected neighbors were already contacted.

Chair Bronson amended her motion to continue this item to the Board of Supervisors regular meeting of December 16, 2004, and direct staff to work with the developer and the neighbors to determine who needs to be invited to the meeting.

Supervisor Carroll suggested removing Lot 16 from the rezoning plan to alleviate any concerns about the riparian area.

Mr. Portner stated the developer has already given up Lots 17, 18 and 19 which were originally proposed in the

rezoning plan as raised pads to get them out of the floodplain in light of staff requirements for 95 percent preservation. The only lot they were keeping in that area was Lot 16 but, if giving up that lot meant the developer could go forward, the developer would probably do that. He said he would conduct meetings with the neighbors, but he requested assistance and understanding from the Board that he did not want to conduct a forum where it was open season on the developer because it would seem like they were beginning the process all over again on the basic fundamental issues. They have been working on this rezoning over the last four years with intensive activity to get the project completed per the approved plan.

Upon the vote being taken on the amended motion, the motion carried unanimously by a five to zero vote, to continue this matter to the Board of Supervisors regular meeting of December 16, 2003, with direction to staff to work with the developer in meeting with surrounding property owners so they can review the proposed rezoning and provide input.

24. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

Co9-98-11, HUEBNER - MARS STREET REZONING

Request of Benjamin Neider for a five-year time extension for the above referenced rezoning from SR (Suburban Ranch) to CR-3 (Single Residence) for 4.77 acres. The subject site was rezoned in 1998. The rezoning expired in 2003. The site is located on the north side of Mars Street, approximately 1/4 mile east of Camino de Oeste. Staff recommends **DENIAL**. (District 3)

"If the Board is inclined to approve a time extension, staff recommends the following additional, deleted, and revised conditions as follows:

7. Transportation Conditions:
 - B. Dedication of right-of-way for turnaround on Juniper Street, as determined by the Department of Transportation during review of the subdivision plat.
8. Flood Control conditions:
 - C. The property owner 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.
11. At the time the subdivision is built, a six-foot masonry wall shall be constructed along the south sides of lots 1 and 15 (the south edge of the property), along with a planter strip to contain ~~four-foot oleanders (or other similar vegetation)~~ three feet on-center native trees and shrub species to be maintained until they are established.
20. There shall be no street lights in the subdivision, except possibly ~~low~~ for non-glare bollards limited to a maximum height of four feet.
- ~~21. Any rodents inhabiting the site shall be removed or exterminated prior to commencement of construction.~~
- ~~22. CC&R's shall prohibit tall radio/TV antennas."~~