



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 22, 2016

Title: P16SA00011 Moussa – N. Enclave Place Hillside Development Zone (HDZ) Special Use Permit & P1200-125
The Enclave at Gates Pass (Lot 9) Plat Note Waiver

Introduction/Background:

The applicant requests an HDZ Special Use Permit to construct a residence, pool, and driveway within a Level 1 protected ridge area on Lot 9 of The Enclave at Gates Pass subdivision. A waiver of Plat Permitting Note #12(b), which requires a flat roof, is also sought to allow a sloped roof for the proposed residence.

Discussion:

In 2002, the subdivision plat of which the subject Lot 9 is a part was under staff review as part of its approval process at the same time that the ridge which runs through the area of Lot 9 and three other lots was under consideration as an HDZ protected ridge for which development would be restricted. A Settlement Agreement regarding this conflict allowed the four lots to be developed without consideration of the protected ridge status if such development occurred within two years of the approval of the plat which was in 2003 and subject to restrictions including a requirement for flat roofs on dwellings. The lots remain undeveloped. Most of Lot 9 is within the protected ridge area and is unbuildable without approval of a Special Use Permit by the Board. The applicant proposes development on the ridge line which is located within the building envelope and is the flattest, but most visible, part of the lot allowing least cut and fill.

Conclusion:

Staff supports the proposed residential development, including the sloped roof, given the unique history of the lot's creation within the subdivision and the proposed design sensitivity.

Recommendation:

Staff recommends approval of both requests subject to conditions designed to reduce visual impacts.

Fiscal Impact:

0

Board of Supervisor District:

- 1
- 2
- 3
- 4
- 5
- All

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

Department Director Signature/Date: _____

[Signature] 10-31-16

Deputy County Administrator Signature/Date: _____

[Signature] 11/1/16

County Administrator Signature/Date: _____

[Signature] 11/2/16



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Richard Elias, Supervisor, District 5

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

DATE: October 31, 2016

SUBJECT: **A. P16SA00011 MOUSSA – N. ENCLAVE PLACE HILLSIDE DEVELOPMENT ZONE (HDZ) SPECIAL USE PERMIT**
B. P1200-125 THE ENCLAVE AT GATES PASS (Lot 9) PLAT NOTE WAIVER

The above referenced HDZ Special Use Permit and Plat Note Waiver are within your district and are scheduled for the Board of Supervisors' **TUESDAY, NOVEMBER 22, 2016** hearing.

REQUEST:

A. A Hillside Development Zone (HDZ) **special use permit** to construct a single residence, pool, and driveway within a Level One designated protected ridge area encompassing the majority of Lot 9 of The Enclave at Gates Pass subdivision.

B. A **waiver of Permitting Plat Note #12(b)** for Lot 9 of The Enclave at Gates Pass subdivision which states, "Per settlement agreement dated October 10, 2002: All dwellings on Lots 8, 9, 10 and 11 shall have flat roofs." The applicant proposes a sloping roof.

OWNER: Renee Moussa
6062 N. Paseo Zaldivar
Tucson, AZ 85750

AGENT: Richard Burton, Architect
Burton and Associates Architects
2102 N. Country Club Road #9
Tucson, AZ 85716

DISTRICT: 5

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of October 31, 2016, staff has received no written comment.

STAFF RECOMMENDATION: **A) APPROVAL SUBJECT TO CONDITIONS; B) APPROVAL SUBJECT TO A CONDITION.**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located within the Multiple Use Management Area of the Maeveen Marie Behan Conservation Land System (MMBCLS).

TD/DP/ar
Attachments



PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P16SA00011 & P1200-125

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FOR NOVEMBER 22, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division
DATE: October 31, 2016

ADVERTISED ITEM FOR PUBLIC HEARING

**A. HILLSIDE DEVELOPMENT OVERLAY ZONE
(HDZ) SPECIAL USE PERMIT**

**P16SA00011 MOUSSA – N. ENCLAVE PLACE HILLSIDE DEVELOPMENT OVERLAY ZONE
(HDZ) SPECIAL USE PERMIT**

Request of Renee Moussa, represented by Burton and Associates Architects, for a **Hillside Development Overlay Zone (HDZ) Special Use Permit**. The applicant requests a special use permit to construct a single residence, pool, and driveway within a designated HDZ Level One protected ridge area on Lot 9 of The Enclave at Gates Pass subdivision. Nearly all of Lot 9 lies within the protected ridge area. Subdivision plat Permitting Note #12(f) subjects the development of Lots 8, 9, 10, and 11 to all requirements in effect that are based upon the proximity of the lots to the protected peak and ridge line in the event that a building permit is not obtained within two years from the date of final subdivision plat approval (November 18, 2003). Pima County Zoning Code Section 18.61.041(A)(1) prohibits development within the protected area of a (Level One) peak or ridge except with a special use permit which may be granted by the Pima County Board of Supervisors as set forth in Section 18.61.042(A). The subject lot is approximately 1.46 acres zoned CR-1(BZ)(PR-1) (Single Residence-Buffer Overlay-Protected Peaks and Ridges Level 1) and is located on the north side of the terminus of N. Enclave Place, approximately 1,400 feet north of the intersection of W. Speedway Boulevard and N. Enclave Place. Staff recommends **APPROVAL SUBJECT TO CONDITIONS.**
(District 5)

UNADVERTISED ITEM FOR PUBLIC HEARING**B.****PLAT NOTE WAIVER****P1200-125 THE ENCLAVE AT GATES PASS (Lot 9) PLAT NOTE WAIVER**

Request of Renee Moussa, represented by Burton and Associates Architects, for a **waiver of plat permitting note #12(b)** for Lot 9 of The Enclave at Gates Pass (Bk. 57, Pg. 093) which states, "All dwellings on lots 8, 9, 10, and 11 shall have flat roofs." The applicant requests to allow a sloping roof. Lot 9 is approximately 1.46 acres zoned CR-1(BZ)(PR-1) (Single Residence-Buffer Overlay-Protected Peaks and Ridges Level 1) and is located on the north side of the terminus of N. Enclave Place, approximately 1,400 feet north of the intersection of W. Speedway Boulevard and N. Enclave Place. Staff recommends **APPROVAL SUBJECT TO A CONDITION.** (District 5)

STAFF RECOMMENDATION**A. HDZ Special Use Permit**

Staff recommends **APPROVAL WITH CONDITIONS**, as follows:

1. Grading limits shall be generally consistent with the limits depicted on the Roof/Site Plan presented at public hearing. Areas outside of the grading limits shall be set aside as "HDZ Natural Area" in accordance with Section 18.61.053 of the Zoning Code.
2. To promote blending with natural surroundings, gabion rocks and any other retaining rocks shall be of color(s) consistent with natural rocks within Lot 9. Exposed rock cuts shall be stained consistent with color(s) of natural rocks within Lot 9. The exposed exterior walls and roof of the residence, retaining walls, and utility structures shall have earth tone color(s). The driveway shall be earthtone colored concrete. Earthtone colors may not be other than browns, adobes, rusts, tans, beiges, sepias, olives, mauves, and grays. Earthtone colors shall not exceed a light-reflective value (LRV) of 38%. The 38% LRV shall include the driveway and shall override the LRV of 60% stated in Section 18.61.056 which is referenced in Plat Permitting Note #12(d).
3. Rooflines shall not extend to a height greater than 18 feet above the graded building pad, overriding the 20-foot allowance per Plat Permitting Note #12(a).
4. Roof mounted antennas, including satellite dishes, shall not be visible above the highest roofline.
5. Outdoor lighting shall be in accordance with the Pima County Outdoor Lighting Code (Title 15).
6. All utilities shall be underground. The pathway(s) through any natural area to construct and install utilities shall be revegetated with plants native to the subdivision.

7. The width of the driveway, including the driveway entrance to Lot 9, shall not exceed 10 feet, except within 25 feet of the garage. The southerly graded driveway edge shall be revegetated in accordance with Section 18.61.055.
8. There shall be no outdoor storage of recreational vehicles, trailers, or boats.
9. There shall be no detached accessory structures or buildings.

B. Plat Note Waiver

Staff recommends **APPROVAL WITH A CONDITION**, as follows:

1. Rooflines shall not extend to a height greater than 18 feet above the graded building pad.

REQUEST OF APPLICANT

A. HDZ Special Use Permit:

The applicant requests an HDZ Special Use Permit in order to construct a single-story residence, pool, and driveway within a designated HDZ Level One protected ridge area on Lot 9 of The Enclave at Gates Pass subdivision. The applicant states that the entire lot falls within the protected area and is unbuildable without the Special Use Permit. The applicant notes the unique history of the lot in relation to the protected ridge line. The history is detailed below.

The single family residence is proposed to be approximately 3,400 square feet and located along the ridge line to minimize cutting into steep slopes. The residence would be Tuscan style with earthtones to harmonize with natural site colors (Exhibit "C"). A sloped tile roof is proposed with a maximum peak point height of 18 feet which is lower than the 20-foot maximum roofline height allowance.

The proposed pool is shown on Exhibit B and described to be "semi tucked" into the building structure to minimize cut and fill. The driveway from the existing subdivision road is proposed to be earthtone colored concrete with gabion (caged) native stone retaining cut and fill that will be minimized to the extent possible.

As required per Plat Permitting Note #7, due to limitations on all of the lots within the subdivision, an alternative individual on-site sewage disposal system will be employed which will also serve to minimize excavation and grading associated with standard systems.

It is the stated intent of the applicant to comply with all HDZ development standards and specialized screening of the residence to mitigate views from scenic routes (Speedway Boulevard closest) with native trees as per Plat Permitting Note #12(e). In addition to the Natural Open Space designated on the lot as shown on the plat, which is stated to be approximately 40% of the lot, the applicant proposes adding another 10% to this total.

The applicant also states intent to obtain permits within two years of issuance of the Special Use Permit as required by Section 18.61.042(A)(5).

B. Plat Note Waiver:

The proposed sloped roof will require a waiver of Plat Permitting Note #12(b) which requires a flat roof for the subject Lot 9 in addition to Lots 8, 10, and 11 which also contain HDZ protected ridge area. The applicant indicates that a residence with sloped roof would be less obtrusive than a flat "box" structure.

STAFF REPORT**A. Requirement for HDZ Special Use Permit**

In 2002, the subject ridge line area, known as Candidate No. 62, was under consideration by the County as a protected ridge for which development would be restricted. At the same time, the subdivision plat of which the subject Lot 9 is a part was under staff review as part of its approval process. The potential conflict between protected ridge status and ridge development within the plat led to the October 22, 2002 Board of Supervisors' approval of a Supplemental Agreement (attached) to a Settlement Agreement. If Candidate No. 62 was adopted as a protected ridge, the provisions of the supplemental agreement allowed an exemption from provisions related to protected peaks and ridges, subject to requirements that included a stipulation that if Lots 8, 9, 10, and 11 did not obtain permits within two years of the date of approval of the final plat, the lots would be subject to all requirements in effect that are based upon the lots' proximity to the protected ridge line. This and other conditions of the Supplemental Agreement are listed in Plat Permitting Notes #12(a - f).

The final plat was approved on November 18, 2003. To date, no permits for the lots have been obtained. Therefore, development of the referenced lots requires a Special Use Permit for any encroachment into the protected ridge line area. "Development" is defined generally under the HDZ regulations as ground disturbance including for buildings, utilities, driveways or streets. The "protected area" is the area delineated by a 150-radius from the designated peak or ridge line. The protected ridge line is established by a series of protected peaks and parallel lines at a distance of 150 feet on each side of the ridge line. Sections 18.61.041 and 18.61.042 of the HDZ regulations present standards and evaluation criteria for the grant of a Special Use Permit by the Board of Supervisors.

Justification/Mitigation for HDZ Special Use Permit

Section 18.61.042(A)(1) allows the Board of Supervisors to grant an HDZ Special Use Permit for development within the protected area of a Level One protected peak or ridge when such development can be proven by the developer to serve a need which outweighs the need for prohibition of development. The need for the prohibition of development for Level One peaks and ridges is established by virtue of their community-wide viewshed significance as per Section 18.61.040(C). The viewshed significance is based on criteria listed in Section 18.61.040(B). Criteria applicable to the subject protected ridge include location within one mile of Tucson Mountain Park, location within the buffer overlay zone of the park, the ridge being a dominant feature in the surrounding landscape, and visibility from a scenic route (W. Speedway Boulevard) or road leading to a trailhead (N. Camino de Oeste).

In response to this high standard of serving a need which outweighs the need for prohibition of development, the applicant states, "This lot is a recorded parcel in an approved subdivision with all infrastructure in place. The lot is now totally covered by the Peaks and Ridges overlay zone making

the lot unbuildable. Granting the HDZ Special Use Permit would allow the owner the ability to construct a residence and become part of the County tax base. The Board of Supervisors, in granting this permit, has control over the size, style, color and location of this construction through the restrictions imposed by the code, by Plan Plat Notes specific (to) the HDZ, and by imposing reasonable conditions to the granting of this permit.”

Given the supplemental agreement allowance for development of the lot, the HDZ Special Use Permit is only required by virtue of a delay in the development of the lot. While the options for the Board of Supervisors include denial of the request, given that the lot is platted with existing direct paved road access, staff views the Special Use Permit as an opportunity to ensure sensitive development and occupation of the lot.

Additionally, the need for the Special Use Permit does not stem from a preferred development location on the lot. The subject protected ridge area is not shown on the plat; however, although not a surveyed map for which accuracy is complete, the attached Pima County Mapguide map shows that virtually all of Lot 9 is encumbered by the protected ridge area. The site plan with topographic lines depicts the ridge line running through the building envelope depicted on the plat for Lot 9. The ridge line location shown would cause the entire building envelope to be encumbered by the 300-foot total protected area centered on the ridge line. From all appearances, the lot cannot be developed for residential use without a Special Use Permit.

It also appears that the proposed placement and design of the residence is sensitive to the site. The location of the residence is on the ridge line which is the flattest, but most visible portion of the site. The elongated design of the residence with the pool mostly tucked between two masses of the residence will reduce cut and fill impacts. The proposed negative edge of the wall retaining the pool is a site conserving design that reduces or eliminates fill slope. With an average cross slope of only 12% as calculated by the applicant, the slopes of the site are not severe.

The recommended conditions of approval are designed to further mitigate visual impacts of the proposed development. The conditions limit, prohibit, or otherwise address grading, natural area set-aside, colors of built elements including retaining rocks and rock cuts, building height, roof mounted antennas and dishes, outdoor lighting, utility installation, revegetation of disturbed areas, driveway material and width, outdoor storage of recreational vehicles, trailers, or boats, and detached accessory structures and buildings.

Evaluation Criteria for an HDZ Special Use Permit Request

Sections 18.61.042(A)(2)&(3) of the HDZ regulations provide additional criteria by which to evaluate a request for an HDZ Special Use Permit, as follows:

- ***No permit shall be issued which is contrary to the purpose and intent of the HDZ ordinance***

In response to this criterion, the applicant states, “The approval of this residence would not create a significant negative impact to the ridge which already has two residences constructed.”

Section 18.61.010 states, “The purpose of the Hillside Development Zone is to establish standards for hillside areas which conserve and maintain the character, identity, and image of Pima County, and which promote the public health, safety, convenience, and welfare by:

1. Conserving the unique natural resources of hillside areas;

(Lot 9 cannot be developed without a Special Use Permit because the protected ridge area encumbers nearly all of the lot and all of the delineated building envelope. While the entire protected area within the lot cannot be fully conserved, the majority of the lot will be set-aside as HDZ Natural Area as recommended per condition #1 as a hillside conservation measure.)

2. Permitting intensity of development (density) compatible with the natural characteristics of hillside terrain, such as steepness of slope and significant land forms;

(HDZ slope density requirements were reviewed for the subdivision, including Lot 9.)

3. Reducing the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring more intense restoration of graded areas;

(As stated above, the proposed residence an elongated design along the flattest portion of the site with the pool semi-tucked between two masses of the residence to reduce cut and fill impacts. This could be deemed an innovative design. The proposed negative edge of the wall retaining the pool is a site conserving design that reduces or eliminates fill slope. The spot estimates of finish floor elevation reveal limited cut and fill relative to natural elevations. The grading limits shown are not much greater than the footprint of the proposed residence, pool, and driveway. The proposed driveway is only 10 feet wide. If possible, the use of an alternative wastewater disposal system, such as an evapotranspiration system, will be utilized to minimize grading and excavation impacts. Earthtone colors are proposed to harmonize with the natural colors of the site. Plat Permitting Notes include a 20-foot roofline height limit from graded building pad (only 18 feet is proposed), building pad elevations cannot be less than seven feet lower than the highest natural elevation on the lot, and screening of the residence with native vegetation is required by planting minimum 15 gallon trees at 15 foot intervals. Recommended condition #'s 1 - 9 ensure mitigation of impacts of development and occupation of the site.)

4. Minimizing disturbance of existing drainage patterns and soil erosion problems incurred in development alteration of hillside terrain;

(The subdivision has been reviewed and approved by the Flood Control District. The HDZ standards for slope stabilization will be applied.)

5. Providing safe and convenient access to hillside development; and

(A subdivision road is built to the site.)

6. Ensuring the efficient expenditure of public funds."

(This appears to be non-applicable.)

- **No permit shall be issued which allows a use which is not allowed on the property by other code provisions**

The proposed single-family residence is a permitted use in the CR-1 zone. The applicant states: "The residence would meet all other requirements of this code, including HDZ restrictions."

- ***No permit shall be issued which allows a use which substantially injures the use of adjacent property conforming to the restrictions of this chapter***

A key concern with development on steep slopes is rock stability and soil erosion. The Hillside Development Zone's site restoration standards provide stabilization measures for cuts and fills in order to prevent erosion and rock slides onto adjacent properties. However, as noted, it appears that cut and fill will be minimal for this proposal.

Flood Control District regulations prohibit new development from having negative drainage impacts on adjacent or downstream properties.

Assuming no impacts result from the above factors, the greatest potential negative impact on adjacent properties is views. Adjacent lots to the east and west are within the subject subdivision and are also encumbered by the protected ridge area. These lots are not yet developed. Lot 8 to the east will also require a Special Use Permit for its development. Lot 10 to the west may not require a Special Use Permit as approximately half of the lot is outside of the protected ridge area. Two other parcels outside of the subdivision are adjacent to the north. Both have small portions of the protected ridge area within their bounds. One is developed with a residence outside of the protected ridge area and will have view of the subject proposed residence. With the applicant's proposed sensitive treatment of the site and HDZ code requirements and additional conditions recommended to provide further mitigation, the view of the residence and land disturbance may not be substantially injurious. The other parcel adjacent to the north remains undeveloped and has a history of grading violations. Grading for a driveway and a house pad exists outside of the protected ridge area.

The applicant states, "There would be no injuries to adjacent properties."

- ***Grounds for issuing a Special Use Permit shall not include that the issuance of a permit would allow for a more profitable use***

The subject property is a subdivision lot which has been sold to the current owner. The buildable area of the lot is fully encumbered by the protected ridge area. The proposal to build on the ridge line appears to be the most suitable location to minimize cut and fill for the residence, despite the length of the proposed driveway being greater than if a house pad were cut into the south slope. The improved views for residents on the lot as a result of location on the ridge line may increase the monetary value of the property, but this could be considered to be a consequence of choosing the best location to minimize cut and fill impacts.

The applicant states, "There is no profit motive in this request, only the ability to use the Owner's property."

- ***Grounds for issuing a Special Use Permit shall not include any condition resulting from a division of land parcels made after July 1, 1976***

The referenced history of the subdivision being reviewed for approval at the same time that the subject ridge line was under consideration for protected ridge status in 2002 renders this particular provision moot.

The applicant states, "This is not an issue created by any land splits or divisions of properties. The conditions of the HDZ and the Plat Plan Notes resulting from the Settlement Agreement will be followed."

B. Plat Note Waiver:

The applicant requests a waiver of Plat Permitting Note #12(b) which states, "All dwellings on lots 8, 9, 10, and 11 shall have flat roofs." The applicant requests to allow a sloping roof for Lot 9. The flat roof requirement is part of the conditions of the referenced Supplemental Agreement. It was apparently designed to reduce visual impacts of development within the protected ridge area.

The applicant, a registered architect, makes a reasonable argument, "...that a sloped roof along the ridge meeting the self-imposed height restriction (18 feet) feet would be significantly less obtrusive than a flat "box" structure of the allowed height (20). A sloped roof with earthtone colors will complement the slope of the property and soften the flat vertical look. It is possible to see the impact between the sloped roof and the flat roof in comparing the two residences already on the ridge in question. The one on the west has a sloped roof and is much less imposing than the flat roof residence on the east (see Aerial Photo Exhibit "D"). Staff observes that the flat roof residence is in the foreground of this aerial photo and it also has a white roof in addition to a white façade. The sloped roof residence is in the background and has a green roof and a white façade. The flat roof residence is therefore more prominent in the photo. Despite this, staff finds merit in the applicant's appeal for a sloped roof.

The applicant assures the Board that if the flat roof requirement is maintained, the house would be designed as sensitively as possible within this requirement.

COMPREHENSIVE PLAN DESIGNATION

The Comprehensive Plan designates the subject site as Low Intensity Urban 1.2 (LIU 1.2). The purpose of LIU 1.2 is to designate areas for low-density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and to be contiguous with other dedicated natural open space and public preserves. The CR-1 zoning of the subdivision site complies with the typical maximum density allowance of 1.2 residences per acre within LIU 1.2.

The property is within the area covered by Comprehensive Plan Special Area Policy S-8, Tucson Mountains North. The policy is attached and would typically be applied to rezoning requests. The policy provisions include a 24-foot building height restriction and use of natural blending colors, siting, and landscaping to minimize visual impacts of structures. Other than the siting provision, the policy is met.

CONSERVATION LANDS SYSTEM

The subject property is located within the Multiple Use Management Area of the Maeveen Marie Behan Conservation Lands System.

PUBLIC COMMENT

No written public comment on this request has been received as of the date of this report.

The applicant notes the presentations have been made to the Gates Pass Area Neighborhood Association and the Tucson Mountains Association.

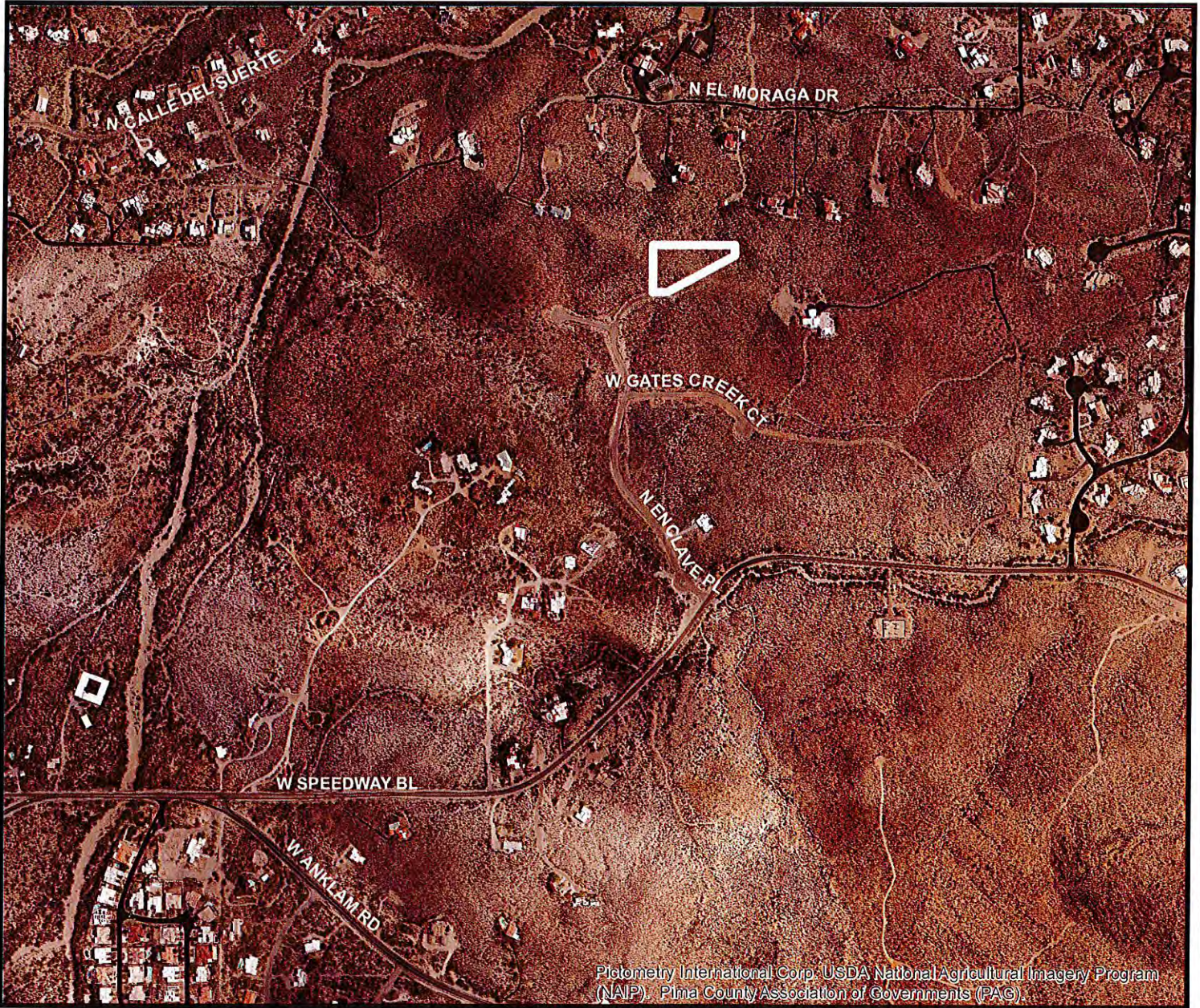
TD/DP/ar
Attachments

cc: Renee Moussa, 6062 N. Paseo Zaldivar, Tucson, AZ 85750
Richard Burton, Architect, Burton and Associates Architects,
2102 N. Country Club Road #9, Tucson, AZ 85716
Tom Drzazgowski, Principal Planner
P16SA00011 & P1200-125 File

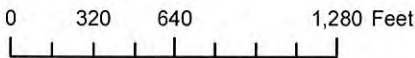
Case #: P16SA00011/P1200-125

Case Name: MOUSSA - N. ENCLAVE PLACE HILLSIDE DEVELOPMENT ZONE SPECIAL USE PERMIT/THE ENCLAVE AT GATES PASS (LOT 9) PLAT NOTE WAIVER

Tax Code(s): 116-07-1780



Pictometry International Corp. USDA National Agricultural Imagery Program (NAIP). Pima County Association of Governments (PAG).



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



Notes: **HDZ Special Use Permit/Plat Note Waiver**

Board of Supervisors Hearing: 11/22/16 (scheduled)

Base Map(s): 19, 20

Map Scale: 1:9,000



Map Date: 10/24/2016 ds

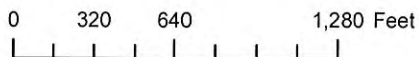
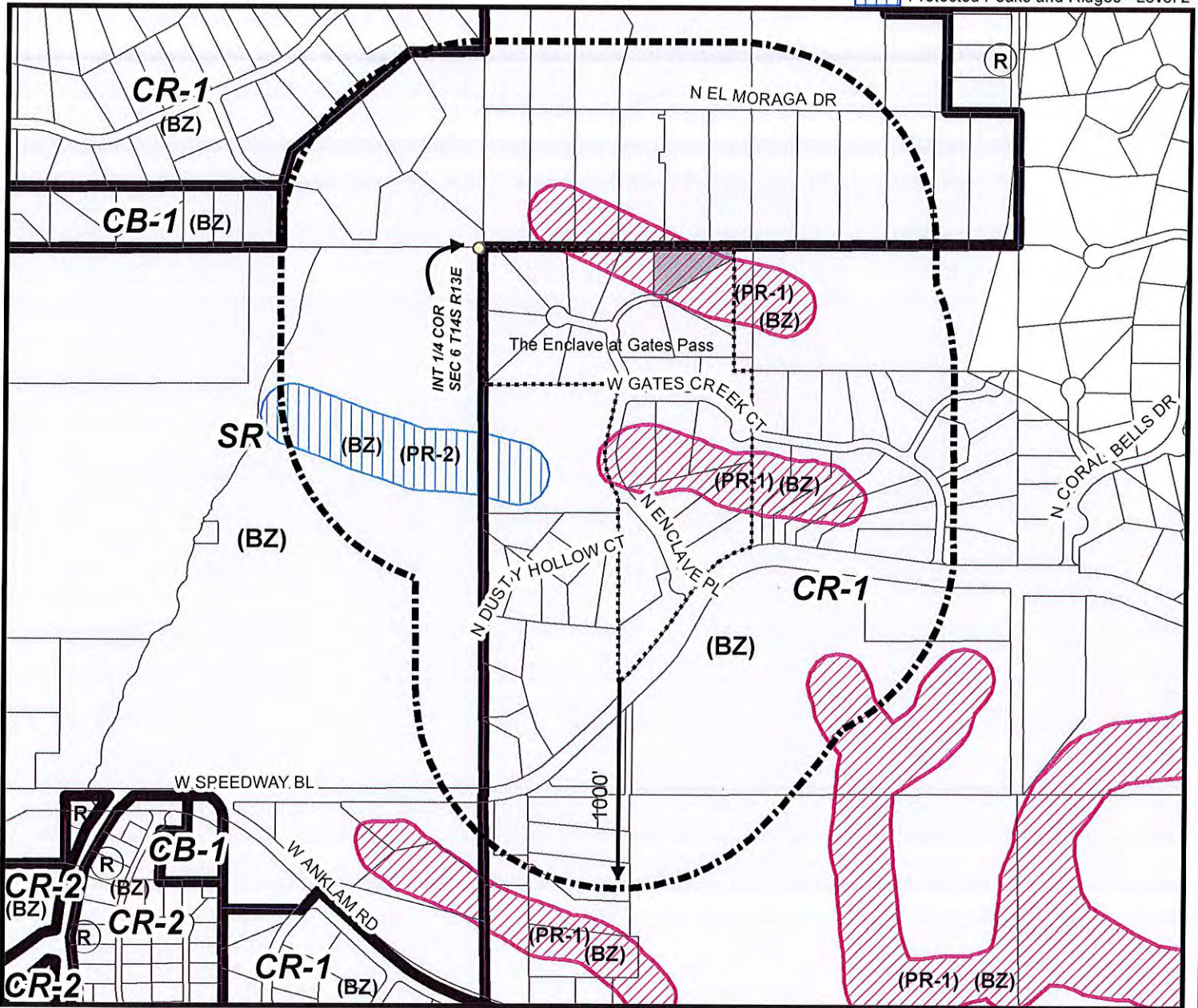


Case #: P16SA00011/P1200-125

Case Name: MOUSSA - N. ENCLAVE PLACE HILLSIDE DEVELOPMENT ZONE SPECIAL USE PERMIT/THE ENCLAVE AT GATES PASS (LOT 9) PLAT NOTE WAIVER

Tax Code(s): 116-07-1780

-  1000' Notification Area
-  Protected Peaks and Ridges - Level 1
-  Buffer Overlay Zone
-  Protected Peaks and Ridges - Level 2



Subject Site 

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

Notes: HDZ Special Use Permit/Plat Note Waiver

Board of Supervisors Hearing: 11/22/16 (scheduled)

Base Map(s): 19, 20

Map Scale: 1:9,000

Map Date: 10/24/2016 ds





August 31, 2016

Chris Poirier, Planning Official
Pima County Development Services
Planning Division
201 N. Stone Avenue
Tucson, AZ 85701

**RE: PROPOSED MOUSSA RESIDENCE
HDZ SPECIAL USE PERMIT AND PLAT NOTE WAIVER REQUESTS
1685 N. Enclave Place (Lot 9, The Enclave at Gates Pass Subdivision)**

Dear Mr. Poirier;

This letter is written on behalf of the property owner, Renee Moussa, requesting permission to construct a single story residence on Lot 9 of the Enclave Subdivision in Pima County (see Plot Plan exhibit "A"). To build on this lot would require an HDZ Special Use Permit to allow construction of a private access drive and a single family residence within the designated protected ridge area. Pima County Zoning Code Chapter 18.61, Hillside Development Overlay Zone Section 030B.4 prohibits grading or development within a horizontal radius of 150 feet of a designated protected peak point or ridge line. The owner's entire parcel falls within this designation and is unbuildable without the relief offered in Section 18.61.080.C which permits the Pima County Board of Supervisors to grant a level one special use permit for development on a protected peak or ridge when such development can be proven by the owner to serve a need which outweighs the need for the restrictions of Section 18.61.041 (See Supplement following this letter).

Also requested is a Plat Note Waiver for this parcel in the recorded Enclave Subdivision. The note in question is 12.(b) which requires that "all dwellings on lots 8,9,10 and 11 shall have flat roofs". As will be suggested in the text of this letter, it is felt that this requirement would force a more obtrusive design requirement than that provided by a sloping roof.

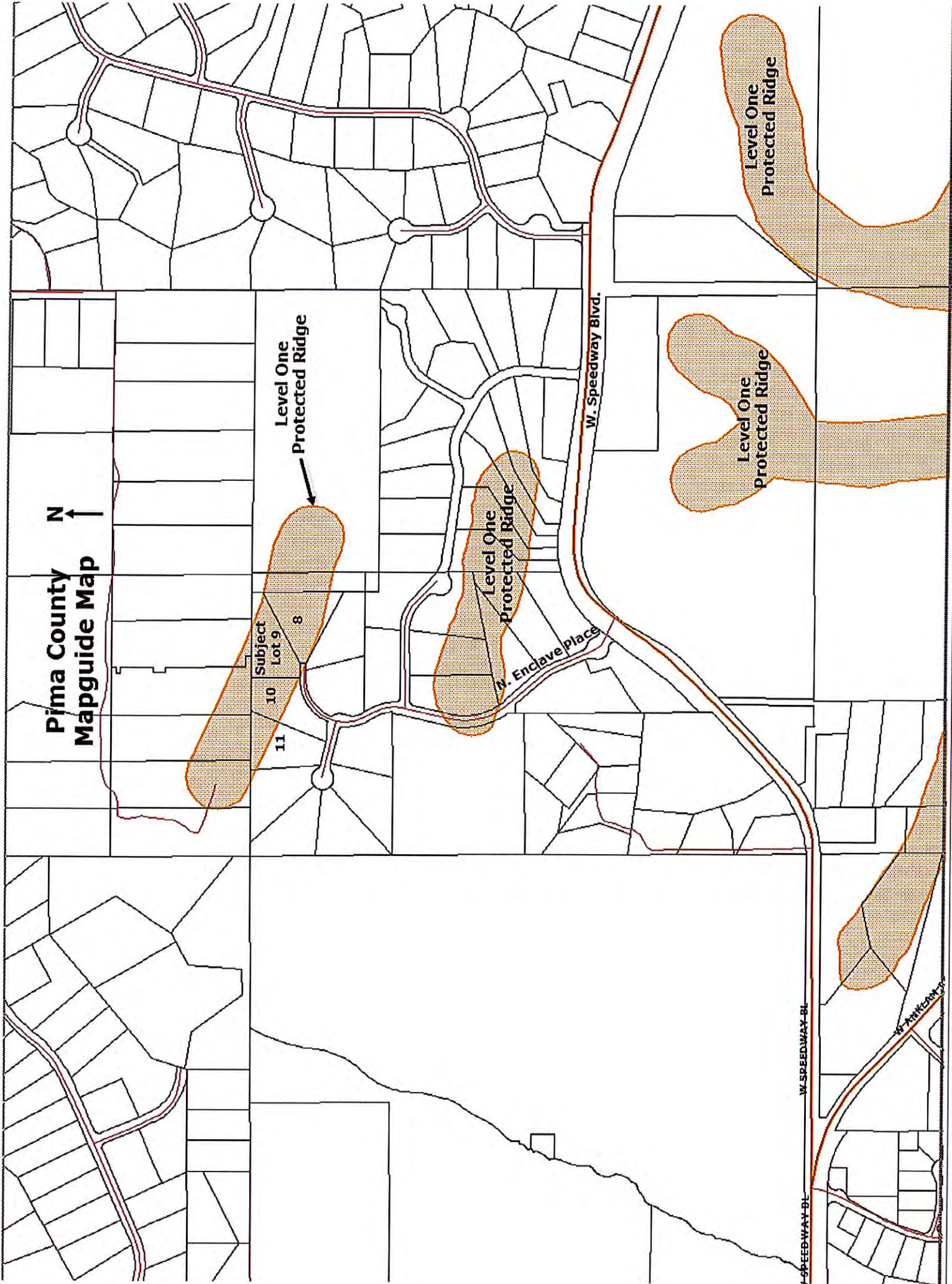
The subject property is located in Pima County some 1400 feet north of W. Speedway Blvd., and about 4200 feet west of N. Painted Hills Road. Following is a summary of the site's information:

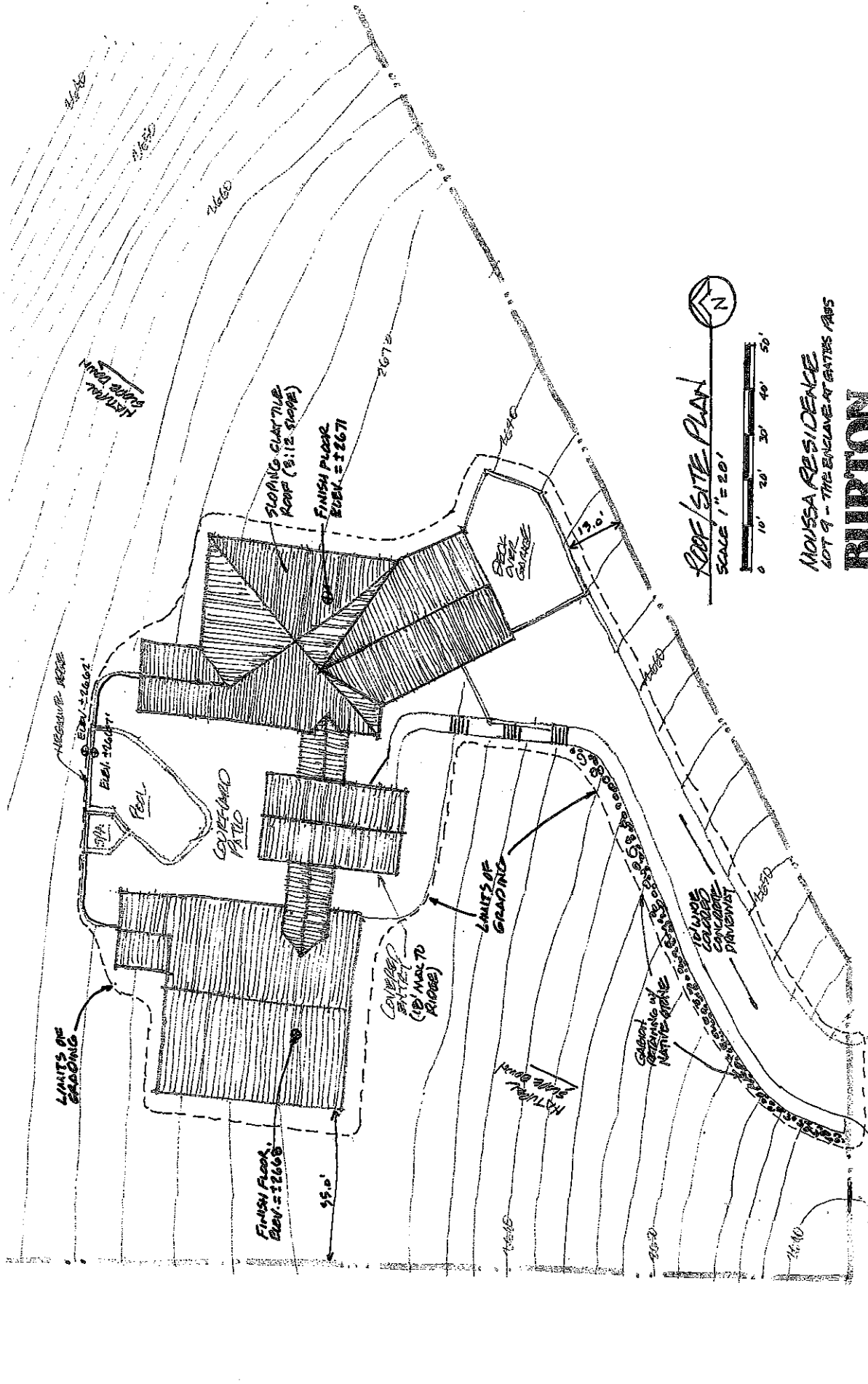
1685 N. Enclave Place
Lot 9 of The Enclave at Gates Pass (see Plot Plan exhibit "A")
Book 116, Maps 07, Parcel 1780 3
Docket 12233 page 934
Deed Sequence: 20092101320
Tax Code 116-07-1780
Zoning CR-1
Property size, 1.6 acres

2102 N. Country Club Road #9, Tucson, AZ 85716
(520) 629-9752, Fax (520) 798-3341

Pima County Mapguide Map

N ↑

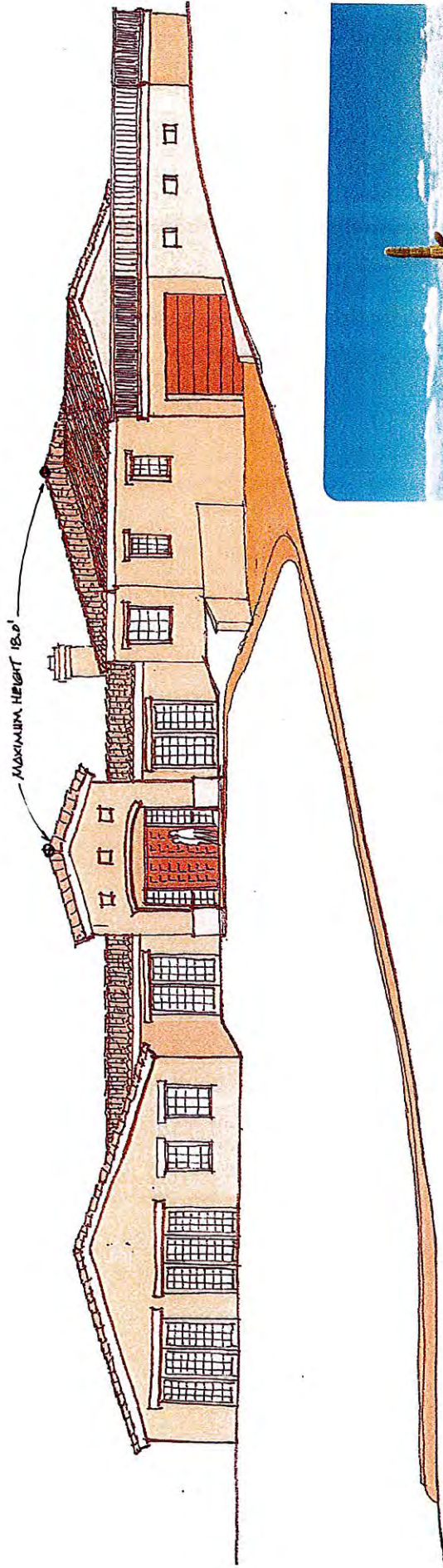




ROOF/SITE PLAN
 SCALE 1" = 20'
 0 10' 20' 30' 40' 50'

MOUSSA RESIDENCE
 LOT 9 - THE ENCLAVE AT GARDENS PHAS
BURTON
 ARCHITECTS
 2102 N. Country Club Road, #6
 Tucson, Arizona, 85718
 (520) 620-9752, Fax (520) 798-3341

ENCLAVE PHASE
 (EAST ASPECT)



FRONT - SOUTH - ELEVATION



VIEW ON RIDGE TO SOUTHEAST

EXHIBIT "C"

BURTON
and Associate
 ARCHITECTS

Design Proposal for
 1685 North Enclave Place
 Tucson, AZ

Property Owner: Renee S. Moussa
c/o Dr. Sam Moussa (owner's father's business address))
2585 N. Wyatt Drive
Tucson AZ 85712

History

Some history pertaining to the property in question should be outlined to further explain the owner's request for the HDZ Special Use Permit. The Enclave at Gates Pass subdivision was recorded in January of 2004. Prior to this recording, but during subdivision design, Pima County made a determination that a ridge within the property (candidate #62) would be designated a protected ridge and a Settlement Agreement was entered into between the developer and Pima County dated October 10, 2002. The terms of the agreement were stipulated in Plat Plan Notes on the final plat. One of the permitting notes states that "In the event a building permit is not obtained within two years from the date that final subdivision plan approval is obtained for lots 8, 9, 10 and 11, such lot shall be subject to all of the requirements that are based upon said lots proximity to the protected peak and ridge line which are then in effect". Due to the economic conditions at the time, the developer of this subdivision did not provide infrastructure for the lots in question within the stipulated two-year period making a building permit impossible for any of the lots. Ms. Moussa, the present owner, did not purchase lot 9 until October, 2009, well after the moratorium had passed and did so without full knowledge of the unbuildable nature the restriction placed on the property. To date, none of the hillside lots 8, 9, 10 or 11 have been developed.

Notification

The property owner and the appointed agent (Burton and Associates Architects) have made every attempt to acquaint all affected parties to the proposed request. Presentations have been made to Board meetings of the Gates Pass Area Neighborhood Association, and the Tucson Mountains Association. The agent and owner have also met individually with each Pima County Supervisor or their designated representative. A meeting was also held with John Bernal, Pima County Deputy Administrator.

Current Proposal

The proposed project will consist of an owner occupied, single family, single story residence of approximately 3400 square feet (see proposed Site/Roof Plan, exhibit "B"). The proposed style will be Tuscan of earthtone colors to harmonize with the natural site colors and meeting all Pima County reflectivity requirements (see Exterior Elevation exhibit "C"). To minimize the impact of excessive cutting of grades at the steep slopes on the north and south sides of the property, the only buildable area on lot 9 is along the existing ridge. The owner is willing to stipulate the height of the new residence will not exceed eighteen feet above the grade along the ridge although the conditions for permitting on this property states a maximum of twenty feet above a graded pad is allowed.

A recorded permitting note applicable to lot 9 is number 12.(b) which states that all dwellings will have flat roofs. It is the opinion of the applicant and owner that a sloped roof along the ridge meeting the self-imposed height restriction (18 feet) would be significantly less obtrusive than a flat roofed "box" structure of the allowed height (20 feet). A sloped roof with earthtone colors will complement the slope of the property and soften the flat vertical look. It is possible to see the difference in impact between the sloped roof and the flat roof in comparing the two residences already on the ridge in question. The one on the west has a sloped roof and is much less imposing than the flat roof residence on the east (see Aerial Photo exhibit "D"). It is requested that the Board of Supervisors waive this Plat Note for this lot. However, if the Board

determines to keep the flat roof requirement, the owner and applicant will design the house as sensitively as possible within this requirement.

The proposed residence would be built with a pool that would be semi “tucked” into the building structure to minimize the impact of cut and fill (see Roof/Site Plan exhibit “B”). An access road will be constructed, as much as possible, without undue impact on the slope and will be earthtone colored concrete and gabion construction along the cut/fill with native stone all meeting the requirements of 18.61.056 of the Pima County Code (colors and reflectivity).

Of necessity the residence will require a septic system. To minimize the impact of the excavation and grading necessary for a standard septic tank and leach field, the owner will investigate and implement, if possible, alternative waste water disposal systems such as an evapotranspiration system.

Additional Site Considerations

The ridge along which this residence is proposed has already had construction and is not pristine. At present two residences exist on the ridge, outside this subdivision, some 1000 feet apart. The proposed new residence on lot 9 would be approximately mid-way between these two existing houses. (see Aerial Photo exhibit “D”). Allowing this new structure would not significantly affect the ridge in question since construction already exists.

The proposed residence would be some distance from the major access route, West Speedway Boulevard, and this new residence would not significantly impact the view from the road (see Photo exhibit “E”).

Since the property in question is wholly within the protected peaks and ridges designation, no development anywhere on the lot is possible without the requested Special Use Permit.

The property has already had approximately 40% percent of its total designated as a natural set-aside. The owner is willing to dedicate 10% more property as an additional set-aside (see Site Plan exhibit “F”) which will minimize impact on wildlife passage across the property.

All requirements of the Hillside Development Zone will be met and no other variance will be requested. The property owner will secure a building permit within two years of the granting of the HDZ Special Use Permit.

Conclusion

This applicant, representing the property owner and with her consent, respectfully requests the Board of Supervisors grant an HDZ Special Use Permit for Lot 9 in The Enclave at Gates Pass Subdivision, recognizing that this property cannot be utilized without this permit; and also grant a waiver of the recorded Plat Plan Note requiring a flat roof dwelling. The owner is willing to consider conditions to these requests in order to facilitate the ability to build on this property and to minimize any negative impact.

Respectfully;



Richard R. Burton, Architect

**SUPPLEMENT TO THE REQUEST FOR A SPECIAL USE PERMIT
MOUSSA RESIDENCE – LOT 9, THE ENCLAVE AT GATES PASS**

SUMMARY OF RESPONSES TO APPLICABLE PIMA COUNTY ZONING CODE REQUIREMENTS (Reponses are given in Bold, Itolicized text)

18.61.042 - Special use permits and addition permits for protected areas of level one peaks or ridges.

A. Special Use Permit within Level One Protected Areas of Peaks or Ridges.

1. The board of supervisors may grant a special use permit for development within the protected area of a level one protected peak or ridge when such development can be proven by the developer to serve a need that outweighs the need for the restrictions of Section 18.61.041(A). ***This lot is a recorded parcel in an approved subdivision with all infrastructure in place. The lot is now totally covered by the Peaks and Ridges overlay zone making the lot unbuildable. Granting of the HDZ Special Use Permit would allow the owner the ability to construct a residence and become part of the County tax base. The Board of Supervisors, in granting this permit, has control over the size, style, color and location of this construction through the restrictions imposed by this section of the code, by Plan Plat Notes specific the the HDZ, and by imposing any reasonable conditions to the granting of this permit.***
2. No permit shall be issued that:
 - a. Is contrary to the purpose and intent of this chapter; ***The approval of this residence would not create a significant negative impact to the ridge which already has two residences constructed.***
 - b. Allows a use not allowed on a property by other chapters of this code; ***This residence would meet all other requirements of this code, including the HDZ restrictions.***
 - c. Allows a use that substantially injures the use of adjacent property conforming to the restrictions of this chapter. ***There would be no injury to adjacent properties.***
3. Grounds for issuing a special use permit shall not include:
 - a. That the issuance of the permit would allow a more profitable use; ***There is no profit motive in this request, only the ability to use the Owner's property.***
 - b. Any condition resulting from a division of land parcels made after July 1, 1976. ***This is not an issue created by any land splits or division of properties. The conditions of the HDZ and the Plat Plan Notes resulting from the Settlement Agreement will be followed.***
4. The supervisors may place conditions on the permit to carry out the purpose and intent of this chapter. ***Conditions have already been placed by the Settlement Agreement, but the Owner will entertain any other reasonable conditions such as building height reduction (offered by Owner in this application).***
5. The permit shall be void if not used to obtain building permits within two years of its issuance. The permit shall run with the land, but only after the construction of any authorized structures. ***The Owner will obtain permits within two years of the issuance of the permit.***

18.61.050 - Development mitigation and performance standards.

Unless otherwise expressly excepted by this chapter, the development mitigation and performance standards set forth in Sections 18.61.051 to and including 18.61.057 apply to any and all development on lands subject to this chapter.

18.61.051 and 18.61.052: The cross slope calculations for the property have been completed and create no hindrance to development. 18.61.053: 51% of this lot is offered for Natural Set Aside and all provisions of this section will be met. 18.61.054: No grading is proposed on the north and south slopes of this property other than that necessary for an access drive. The proposed residence will follow the existing contours of the ridge. Minimal grading is proposed. 18.61.055: The access drive will be 10' wide with colored concrete to match the color of the surrounding stone. Slope stabilization along the access drive and in other necessary areas will be by use of a gabion system with stone from the excavation utilized. All County approved landscape mitigation requirements will be met per the NPPO. The Settlement Agreement of additional landscape screening will be provided. 18.61.056: The residence will be earthtone in color, blend with the natural setting, and meet the County's light-reflective value of 60 percent. 18.61.057: No minor modifications are requested.

Pima County Development Services and The Board of Supervisors:

As owner of lot 9 in the Enclave at Gates Pass Subdivision, I am authorizing Richard Burton of Burton and Associates Architects to act in my behalf in all matters concerning this property and the actions necessary to make it viable.

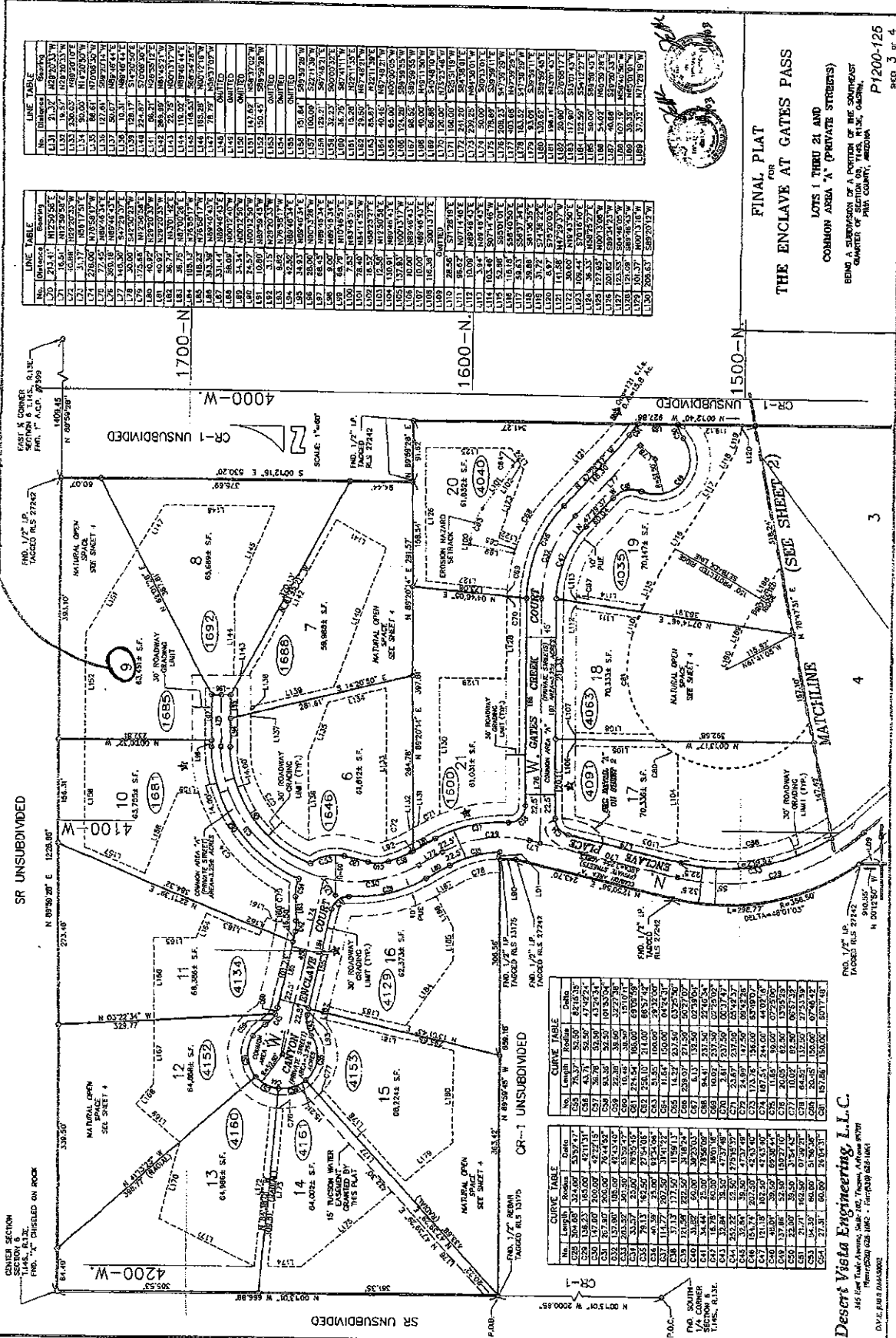
Signed,

A handwritten signature in black ink, appearing to read "Renee Moussa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Renee Moussa

ANNOTATED COPY

PROPERTY IN QUESTION



LINE	NO.	LENGTH	AREA
L1	10.00	10.00	10.00
L2	10.00	10.00	10.00
L3	10.00	10.00	10.00
L4	10.00	10.00	10.00
L5	10.00	10.00	10.00
L6	10.00	10.00	10.00
L7	10.00	10.00	10.00
L8	10.00	10.00	10.00
L9	10.00	10.00	10.00
L10	10.00	10.00	10.00
L11	10.00	10.00	10.00
L12	10.00	10.00	10.00
L13	10.00	10.00	10.00
L14	10.00	10.00	10.00
L15	10.00	10.00	10.00
L16	10.00	10.00	10.00
L17	10.00	10.00	10.00
L18	10.00	10.00	10.00
L19	10.00	10.00	10.00
L20	10.00	10.00	10.00
L21	10.00	10.00	10.00

LINE	NO.	LENGTH	AREA
L22	10.00	10.00	10.00
L23	10.00	10.00	10.00
L24	10.00	10.00	10.00
L25	10.00	10.00	10.00
L26	10.00	10.00	10.00
L27	10.00	10.00	10.00
L28	10.00	10.00	10.00
L29	10.00	10.00	10.00
L30	10.00	10.00	10.00
L31	10.00	10.00	10.00
L32	10.00	10.00	10.00
L33	10.00	10.00	10.00
L34	10.00	10.00	10.00
L35	10.00	10.00	10.00
L36	10.00	10.00	10.00
L37	10.00	10.00	10.00
L38	10.00	10.00	10.00
L39	10.00	10.00	10.00
L40	10.00	10.00	10.00
L41	10.00	10.00	10.00
L42	10.00	10.00	10.00
L43	10.00	10.00	10.00
L44	10.00	10.00	10.00
L45	10.00	10.00	10.00
L46	10.00	10.00	10.00
L47	10.00	10.00	10.00
L48	10.00	10.00	10.00
L49	10.00	10.00	10.00
L50	10.00	10.00	10.00
L51	10.00	10.00	10.00
L52	10.00	10.00	10.00
L53	10.00	10.00	10.00
L54	10.00	10.00	10.00
L55	10.00	10.00	10.00
L56	10.00	10.00	10.00
L57	10.00	10.00	10.00
L58	10.00	10.00	10.00
L59	10.00	10.00	10.00
L60	10.00	10.00	10.00
L61	10.00	10.00	10.00
L62	10.00	10.00	10.00
L63	10.00	10.00	10.00
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L65	10.00	10.00	10.00
L66	10.00	10.00	10.00
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L69	10.00	10.00	10.00
L70	10.00	10.00	10.00
L71	10.00	10.00	10.00
L72	10.00	10.00	10.00
L73	10.00	10.00	10.00
L74	10.00	10.00	10.00
L75	10.00	10.00	10.00
L76	10.00	10.00	10.00
L77	10.00	10.00	10.00
L78	10.00	10.00	10.00
L79	10.00	10.00	10.00
L80	10.00	10.00	10.00
L81	10.00	10.00	10.00
L82	10.00	10.00	10.00
L83	10.00	10.00	10.00
L84	10.00	10.00	10.00
L85	10.00	10.00	10.00
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L87	10.00	10.00	10.00
L88	10.00	10.00	10.00
L89	10.00	10.00	10.00
L90	10.00	10.00	10.00
L91	10.00	10.00	10.00
L92	10.00	10.00	10.00
L93	10.00	10.00	10.00
L94	10.00	10.00	10.00
L95	10.00	10.00	10.00
L96	10.00	10.00	10.00
L97	10.00	10.00	10.00
L98	10.00	10.00	10.00
L99	10.00	10.00	10.00
L100	10.00	10.00	10.00

LINE	NO.	LENGTH	AREA
L101	10.00	10.00	10.00
L102	10.00	10.00	10.00
L103	10.00	10.00	10.00
L104	10.00	10.00	10.00
L105	10.00	10.00	10.00
L106	10.00	10.00	10.00
L107	10.00	10.00	10.00
L108	10.00	10.00	10.00
L109	10.00	10.00	10.00
L110	10.00	10.00	10.00
L111	10.00	10.00	10.00
L112	10.00	10.00	10.00
L113	10.00	10.00	10.00
L114	10.00	10.00	10.00
L115	10.00	10.00	10.00
L116	10.00	10.00	10.00
L117	10.00	10.00	10.00
L118	10.00	10.00	10.00
L119	10.00	10.00	10.00
L120	10.00	10.00	10.00
L121	10.00	10.00	10.00
L122	10.00	10.00	10.00
L123	10.00	10.00	10.00
L124	10.00	10.00	10.00
L125	10.00	10.00	10.00
L126	10.00	10.00	10.00
L127	10.00	10.00	10.00
L128	10.00	10.00	10.00
L129	10.00	10.00	10.00
L130	10.00	10.00	10.00
L131	10.00	10.00	10.00
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L139	10.00	10.00	10.00
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L142	10.00	10.00	10.00
L143	10.00	10.00	10.00
L144	10.00	10.00	10.00
L145	10.00	10.00	10.00
L146	10.00	10.00	10.00
L147	10.00	10.00	10.00
L148	10.00	10.00	10.00
L149	10.00	10.00	10.00
L150	10.00	10.00	10.00
L151	10.00	10.00	10.00
L152	10.00	10.00	10.00
L153	10.00	10.00	10.00
L154	10.00	10.00	10.00
L155	10.00	10.00	10.00
L156	10.00	10.00	10.00
L157	10.00	10.00	10.00
L158	10.00	10.00	10.00
L159	10.00	10.00	10.00
L160	10.00	10.00	10.00

LINE	NO.	LENGTH	AREA
L161	10.00	10.00	10.00
L162	10.00	10.00	10.00
L163	10.00	10.00	10.00
L164	10.00	10.00	10.00
L165	10.00	10.00	10.00
L166	10.00	10.00	10.00
L167	10.00	10.00	10.00
L168	10.00	10.00	10.00
L169	10.00	10.00	10.00
L170	10.00	10.00	10.00
L171	10.00	10.00	10.00
L172	10.00	10.00	10.00
L173	10.00	10.00	10.00
L174	10.00	10.00	10.00
L175	10.00	10.00	10.00
L176	10.00	10.00	10.00
L177	10.00	10.00	10.00
L178	10.00	10.00	10.00
L179	10.00	10.00	10.00
L180	10.00	10.00	10.00
L181	10.00	10.00	10.00
L182	10.00	10.00	10.00
L183	10.00	10.00	10.00
L184	10.00	10.00	10.00
L185	10.00	10.00	10.00
L186	10.00	10.00	10.00
L187	10.00	10.00	10.00
L188	10.00	10.00	10.00
L189	10.00	10.00	10.00
L190	10.00	10.00	10.00
L191	10.00	10.00	10.00
L192	10.00	10.00	10.00
L193	10.00	10.00	10.00
L194	10.00	10.00	10.00
L195	10.00	10.00	10.00
L196	10.00	10.00	10.00
L197	10.00	10.00	10.00
L198	10.00	10.00	10.00
L199	10.00	10.00	10.00
L200	10.00	10.00	10.00

FINAL PLAT
 FOR
THE ENCLAVE AT GATES PASS
 LOTS 1 THRU 21 AND
 COMMON AREA "A" (PRIVATE STREETS)
 BEING A SUBDIVISION OF A PORTION OF THE SOURCEPOST
 QUARTER OF SECTION 09, T14S, R13E, G049N,
 PLUS COUNTY, ARIZONA
 P1200-125
 sheet 3 of 4

EXHIBIT "A"

Desert Vista Engineering L.L.C.
 345 East Tatum Avenue, Suite 202, Phoenix, Arizona 85018
 P: (602) 998-8888
 F: (602) 998-8888
 www.dveng.com

1685 N. Enclave

MUUSA
RESIDENCE



EXISTING
FENCE
RESIDENCE

EXISTING
FENCE
RESIDENCE

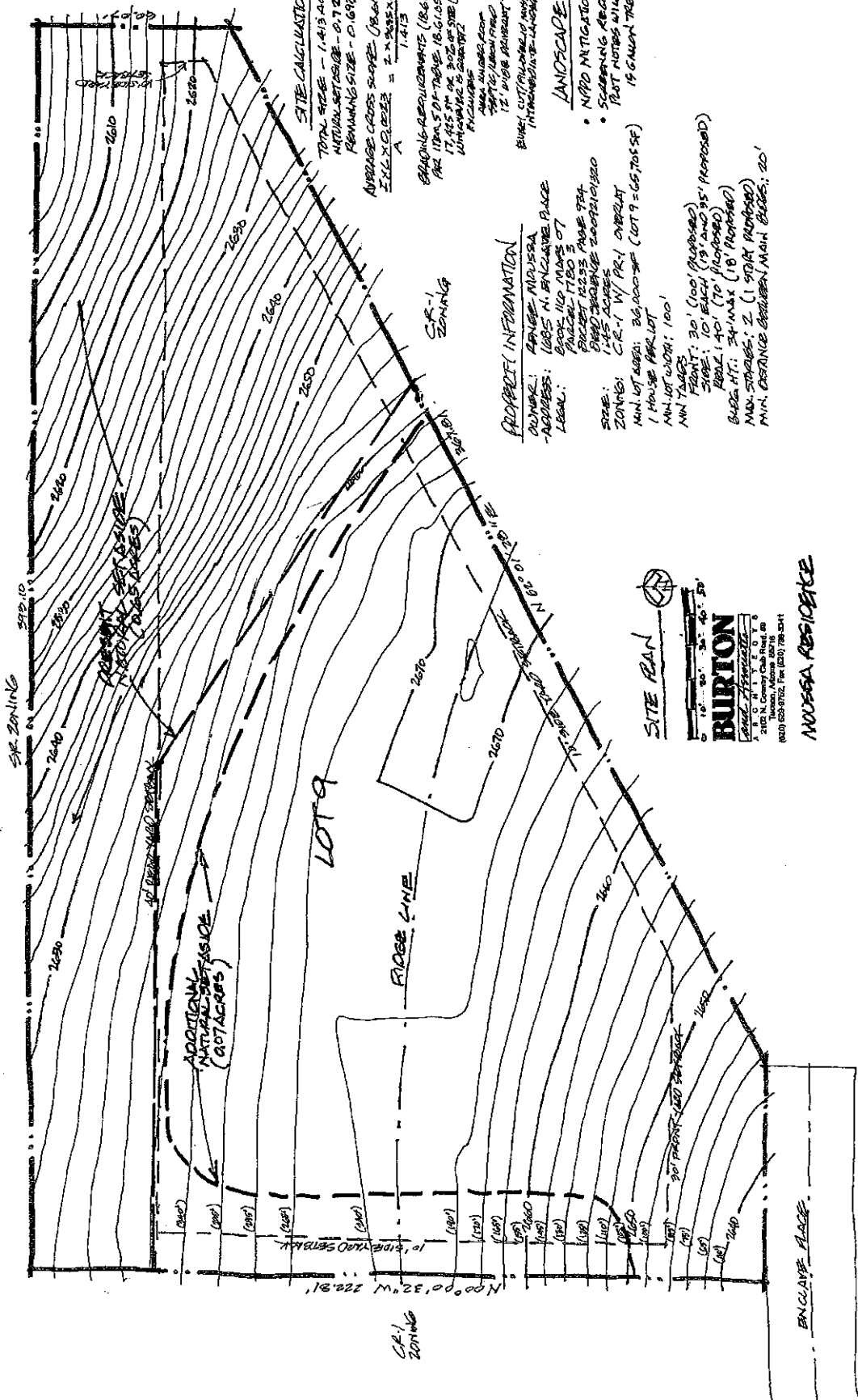
google earth



200 ft



VIEW TO NORTHWEST FROM SPEEDWAY BLVD. EXHIBIT "E"



SITE CALCULATIONS
 TOTAL SIZE - 1,413 ACRES
 NATURAL SETBACK - 0.72 ACRES
 REMAINING SIZE - 0.688 ACRES
 AVERAGE CROSS SLOPE (PLAN 05)
 1.413 ACRES = 2.2% SLOPE = 12.7%

SPACING REQUIREMENTS (1861.054)
 17,425 SQ. FT. 3.02% OF SITE (18,455 SQ. FT.)
 1.413 ACRES = 2.2% SLOPE = 12.7%

LANDSCAPE
 NIPD MITIGATION WILL BE MET
 SCANNING REQUIRED BY PLAN
 19 GALVAN TREES @ 15' D.C.

PROPERTY INFORMATION
 ADDRESS: 1685 N. ENCLAVE PLACE
 ZONING: CR-1 W/ PR-1 OVERLAY
 MIN. LOT AREA: 36,000 SQ. FT. (LOT 9 = 66,705 SQ. FT.)
 MIN. LOT WIDTH: 100'
 MIN. FRONT SETBACK: 30' (100' PROPOSED)
 MIN. SIDE SETBACK: 10' EACH (15' AND 15' PROPOSED)
 MIN. REAR SETBACK: 10' (10' PROPOSED)
 MAX. STORIES: 2 (1 STORY PROPOSED)
 MIN. CEILING BETWEEN MAIN FLOORS: 20'

SITE PLAN

BURTON
 ARCHITECTS
 2185 N. COUNTY CLUB ROAD, SUITE 100
 TUCSON, ARIZONA 85718
 (520) 838-0752, Fax (520) 798-5341

Settlement Agreement Approval

MINUTES, BOARD OF SUPERVISORS MEETING

OCTOBER 22, 2002

The Pima County Board of Supervisors met in Study Session at the regular meeting place of the Pima County Board of Supervisors on the First Floor of the Administration Building of the Governmental Center, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 22, 2002. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elias, Vice Chair
Ray Carroll, Member
Ann Day, Member
Dan Eckstrom, Member
Lori Godoshian, Clerk

Absent: None

ADDENDUM I

... EXECUTIVE SESSION

On consideration, it was moved by Supervisor Day, seconded by Chair Bronson, and unanimously carried by a five to zero vote, that the Board convene to Executive Session at 9:05 a.m. relating to:

Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding the potential settlement in the case entitled West Speedway Partners, L.L.C. v. Pima County et. al., Case No. C2001-2661. Approximate time: 5 minutes.

1. RECONVENE

The Board of Supervisors meeting reconvened at 9:20 a.m. All members were present.

2. LITIGATION

Pursuant to A.R.S. §38-431.03 (A)(3) and (4), for legal advice and direction regarding the potential settlement in the case entitled West Speedway Partners, L.L.C. v. Pima County et. al., Case No. C2001-2661.

Katharina Richter, Chief Civil Deputy County Attorney, stated this case was presented in executive session by outside counsel, Mr. Howard Baldwin. Mr. Baldwin negotiated a settlement of this lawsuit at the direction of the Board

of Supervisors. He presented a settlement agreement to the Board in which the County would provide land for a right-of-way for a roadway off of the ridge. The County would pay \$50,000.00 for holding costs for the property owner, the property owner would revegetate the existing scar and a supplemental agreement would grandfather the existing tentative plat. The County Attorney's Office requested the Board approve the settlement and supplemental agreements.

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Carroll, and unanimously carried by a five to zero vote, to approve the settlement and supplemental agreements.

REGULAR AGENDA

3. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

4. COUNTY ADMINISTRATOR: PROCUREMENT - AGREEMENT, CONTRACT AND/OR AMENDMENT

Automated Presort, Inc., Amendment No. 2, to provide automated presort mail services and amend scope of work, General Fund, contract amount \$22,000.00 (11-09-A-130792-0602) Financial and Information Services

On consideration, it was moved by Supervisor Eckstrom, seconded by Supervisor Carroll, and unanimously carried by a five to zero vote, to approve the agreement, contract and/or amendment.

5. COUNTY ADMINISTRATOR: PROCUREMENT - CANCELLATION OF PURCHASE ORDER NO. 43499

Staff requests cancellation of Purchase Order No. 43499 awarded by Bid No. 600, Five Natural Gas Driven 1750 Kva 1400 Kw Engine/Generator sets with associated items awarded to Empire Power Systems (Corporate Headquarters: Phoenix, AZ) in the amount of \$8,047,915.00.

On consideration, it was moved by Supervisor Eckstrom, seconded by Supervisor Carroll, and unanimously carried by a five to zero vote, to approve the cancellation of Purchase Order No. 43499.

Bryan Sievers, Commercial Engine Sales Manager for Empire Power Systems, asked whether this item was continued to another date?

Supplemental Agreement to Settlement Agreement

Dated October 10, 2002

This Addendum to the Settlement Agreement is made and entered into on this 22nd day of October, 2002, by and between West Speedway Partners, LLC (WSP), and Pima County (Pima).

RECITALS:

A. The parties entered into the Settlement Agreement believing that the property could be developed as contemplated by the Agreement.

B. Currently, proposals are being presented to the Planning and Zoning Commission and subsequently will be presented to the Board of Supervisors that may result in the adoption of an additional Protected Peak and Ridge line or lines (Candidates Nos. 60 and 62) not previously contemplated by the parties.

C. In the event that such ridge lines are designated as protected ridges, the parties desire to set forth herein what impact that shall have upon the subject property in consideration of the previous Agreement of the parties.

D. In addition to the foregoing, recent changes in the statute relating to condemnation made it impossible for Pima to meet the deadline set for filing a complaint, and the parties wish to extend said deadline.

AGREEMENT:

The parties agree as follows:

1. Pima shall have until December 15, 2002 to file a complaint and order to show cause in condemnation if the owner does not agree to a voluntary sale of the property.

2. The adoption or designation of Candidate No. 60 shall have no effect of any nature whatever upon WSP's or its assigns ability to develop or use the subject property in any manner other than as is currently required as a result of said ridge lines pre-existing designation. All lots affected by this protected ridge shall be subject only to all applicable provisions of the Hillside Development Zone currently in effect.

3. The adoption of or designation of Candidate No. 62 shall have no effect whatever upon the ability to develop the subject property and will be exempt from the provisions related to protected peaks and ridges, providing that the following requirements are met:

(a) No roofline of a dwelling located on lots 8, 9, 10 and 11 may extend to a height greater than that of 20 ft. above the graded building pad.

(b) All dwellings on lots 8, 9, 10 and 11 shall have flat roofs.

(c) The building pad elevations for lots 8, 9, 10 and 11 shall be not less than seven (7) feet lower than the highest natural elevation of each respective lot.

(d) The requirements of § 18.61.056 of the Pima County Code shall apply to lots 8, 9, 10 and 11, and the reflectivity standards shall apply to all driveways on the lots and roads adjacent thereto.

(e) Residences built upon lots 8, 9, 10 and 11 shall be sufficiently screened by native vegetation planted of sufficient size so as to mitigate views of the structure from any designated scenic route. This condition will be deemed satisfied by the planting of not smaller than 15 gallon size trees at 15 ft. intervals.

4. The conditions set forth in 3 (a) – (e) above shall be noted upon the final subdivision plat.

→ — NOV. 18TH 2005 —

5. In the event a building permit is not obtained within two (2) years from the date that final subdivision plat approval is obtained, for the lots enumerated in 3 above, such lots shall be subject to all of the requirements that are based upon said lots proximity to the Protected Peak and Ridge line which are then in effect.

IN WITNESS WHEREOF, the undersigned have duly executed this Supplemental Agreement to Settlement Agreement Dated October 10, 2002, on this 17th day of November, 2002.

Shawn Brunser
PIMA COUNTY BOARD
OF SUPERVISORS, for
PIMA COUNTY

OCT 22 2002

[Signature]
as MANAGING MEMBER
for WEST SPEEDWAY PARTNERS, LLC

ATTEST:

[Signature]
Clerk of Board of Supervisors
Pima County, Arizona

THE ENCLAVE AT GATES PASS

MP 57093

RECORDED: JANUARY 07, 2004

***THE FOLLOWING PLAT IS AN ANNOTATED
VERSION OF THE ORIGINAL DOCUMENT. IT HAS
BEEN ALTERED BY PIMA COUNTY
DEVELOPMENT SERVICES TO SHOW
ADDITIONAL INFORMATION. ORIGINAL COPIES
MAY BE OBTAINED FROM THE PIMA COUNTY

RECORDER***

ASSURANCES
 ASSURANCE IN THE FORM OF A THIRD PARTY TRUST AGREEMENT, TRUST NO. 20073, FROM ABILITY NATIONAL TITLE AGENCY, AS RECORDED IN DKT. 6211, AT PAGE 1530, HAS BEEN PROVIDED TO GUARANTEE IMPROVEMENTS AS REQUIRED BY THE PIMA COUNTY ZONING CODE, CHAPTER 16.08 (SUBDIVISION STANDARDS) IN THIS SUBDIVISION.
 BY: *Shawn Bennett*
 CHAIR, BOARD OF SUPERVISORS
 PIMA COUNTY, ARIZONA
 DATE: Nov 18, 2003

ATTEST
 I, LORR COOPER, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, ON THIS 18 DAY OF NOVEMBER, 2003.
 BY: *Lorri Cooper*
 CLERK, BOARD OF SUPERVISORS
 DATE: Nov 18, 2003

CERTIFICATION OF SURVEY
 I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION AND THAT ALL BOUNDARY MONUMENTS INDICATED HEREON ACTUALLY EXIST, AND THEIR LOCATION, SIZE AND MATERIAL ARE CORRECTLY SHOWN.
 BY: *Thomas E. Hosack*
 THOMAS E. HOSACK R.L.S.
 R.L.S. NUMBER 27142

CERTIFICATION OF ENGINEERING
 I HEREBY CERTIFY THAT THE FLOODPRONE LIMITS AND/OR DESIGN HAZARD SHOWN ON THIS PLAT WERE PREPARED BY ME OR UNDER MY SUPERVISION.
 BY: *Thomas E. Hosack*
 THOMAS E. HOSACK P.E.
 REGISTRATION NUMBER 22115

Desert Vista Engineering, L.L.C.
 345 East Taylor Avenue, Suite 100, Tucson, Arizona 85701
 Phone: (520) 624-1062 • Fax: (520) 624-1063
 D.V.E. 038 # 014-0300

DEDICATIONS
 WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE THE OWNERS AND THE ONLY PARTIES HAVING AN INTEREST IN THE LAND SHOWN ON THIS PLAT, AND WE CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOWN HEREON.
 WE, THE UNDERSIGNED, DO HEREBY HOLD UNLESS PIMA COUNTY AND PIMA COUNTY RECORDERS, AS WELL AS ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF THE PROPERTY DEPICTED ON THIS PLAT NOW AND IN THE FUTURE, BY REASONS OF FLOODING, FLOODAGE, EROSION, OR DAMAGE CAUSED BY WATER, WHETHER SURFACE FLOOD OR RAINFALL.
 WE HEREBY GRANT TO PIMA COUNTY AND ALL UTILITY COMPANIES ALL PUBLIC EASEMENTS AS SHOWN HEREON FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UTILITIES AND OTHER USES AS DESIGNATED BY THIS PLAT.
 COMMON AREA "A" (PRIVATE STREETS) IS RESERVED FOR THE PRIVATE USE AND CONVENIENCE OF THE OWNERS OF THE SUBDIVISION AS SHOWN ON THIS PLAT AND IS TO BE MAINTAINED AND UNDERGROUND UTILITIES.
 TITLE TO THE LAND OF COMMON AREA "A" (PRIVATE STREETS) SHALL BE LISTED IN AN ASSOCIATION OF THE OWNERS AS ESTABLISHED BY COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN DOCUMENT # 20073 AT PAGE 1530. IN THE OFFICE OF THE PIMA COUNTY RECORDER. THIS ASSOCIATION WILL ACCEPT THE RESPONSIBILITY FOR CONTROL, MAINTENANCE AND REPAIR OF SAID COMMON AREA "A" (PRIVATE STREETS) AND NATURAL OPEN SPACE WITHIN THE SUBDIVISION.
 PRIORITY NATIONAL TITLE AGENCY, A CALIFORNIA CORPORATION AS TRUSTEE UNDER TRUST #30073 AS THE TRUSTEE ONLY AND NOT OTHERWISE.

BENEFICIARY OF TRUST
 WEST SPEEDWAY PARTNERS, L.L.C.
 15160 VENTURA BLVD., SUITE 228
 ENCINO, CA 91436
 (818) 340-1000
 (818) 340-4094
 DATE: _____
 BY: TRUST OFFICER _____

ACKNOWLEDGMENT
 STATE OF ARIZONA } S.S.
 COUNTY OF PIMA }
 ON THIS 18 DAY OF NOVEMBER, 2003,
 I, THOMAS E. HOSACK, WHO ACKNOWLEDGED, SELF APPEARED,
 TO BE SENIOR TRUST OFFICER FOR PRIORITY NATIONAL TITLE AGENCY, A CALIFORNIA CORPORATION, AND FOR PRIORITY NATIONAL TITLE AGENCY, A CALIFORNIA CORPORATION, FOR THE PURPOSES HEREON CONTAINED.
 IN WITNESS WHEREOF, I HERETOBY SET MY HAND AND OFFICIAL SEAL.

ANNOTATED COPY

THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF DESERT VISTA ENGINEERING, L.L.C. AT PIMA COUNTY RECORDERS OFFICE ON NOVEMBER 18, 2003 IN BOOK 577 OF MAPS AND PLATS AT PAGE 1530.
 BY: *John Rodriguez*
 JOHN RODRIGUEZ
 PIMA COUNTY RECORDER
 DEPUTY COUNTY RECORDER

GENERAL NOTES
 1. THE GROSS AREA OF THIS SUBDIVISION IS 35.90 ACRES
 2. BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 6, T.14S, R.12E, SMD BEARING BEING N 89°59'28" E AS STATED IN DCKET # 6058, PG. 458
 3. TOTAL MILES OF NEAR PRIVATE STREETS ARE: 0.48 MILES.
 4. THIS SUBDIVISION LIES WITHIN AN AREA DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.

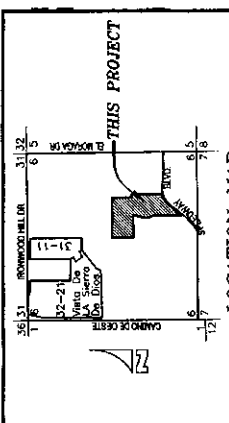
PERMITTING NOTES
 1. PIMA COUNTY ZONING IS CR-1
 2. GROSS DENSITY IS 0.53 RAC
 3. THERE WILL BE NO FURTHER SUBDIVISION OR LOT SPLITTING WITHOUT THE WRITTEN APPROVAL OF THE BOARD OF SUPERVISORS.
 4. THIS PROJECT IS SUBJECT TO THE HILLSIDE DEVELOPMENT OVERLAY ZONE.
 5. THE 100 YEAR FLOOD AND EROSION SETBACK HAZARD LIMITS FALL WITHIN THE NATURAL OPEN SPACE AREAS AS SHOWN ON PLAN EXCEPT WHERE NOTED.
 6. EROSION DISPOSAL FOR LOTS 1-21 WILL BE BY ON-SITE DISPOSAL.
 7. ON-SITE EROSION DISPOSAL SYSTEMS FOR LOTS 1-21 WILL BE BY INDIVIDUAL ON-SITE DISPOSAL. ALL OF THE LOTS WILL REQUIRE ALTERNATIVE ON-SITE DISPOSAL SYSTEMS THAT ARE DESIGNED BY AN ARIZONA REGISTERED ENGINEER BASED ON PRELIMINARY SITE ANALYSIS OF AN ALTERNATIVE SYSTEM SUCH AS A LINED EVAPOTRANSPIRATION BED, A LINED ET-BED SIZED TO SERVE A HYPOTHEMETICAL FOUR (4) BEDROOM HOUSE OF AN ACCUMULATED DEPTH OF THESE IMPROVEMENTS. ALTERNATIVE SYSTEMS HAS DEMONSTRATED USABILITY, HOWEVER, BASED ON ADDITIONAL TESTING, USE OF OTHER WASTEWATER SYSTEMS MAY BE ALLOWED AT THE TIME IMPROVEMENTS ARE PROPOSED.
 8. ANY DWELLING OVER 3,000 S.F. OF FLOOR AREA UNDER ROOF, INCLUDING GARAGES, SHALL BE PROVIDED WITH ADDITIONAL FIRE PROTECTION MEASURES, INCLUDING THE POSSIBILITY OF HOME FIRE SPRINKLERS.
 9. THE APPROVED NATIVE PLANT PRESERVATION PLAN REQUIRES EACH LOT TO PLANT THE QUANTITIES IN TABLE 1. IN ADDITION TO ANY OTHER MITIGATION REQUIREMENTS FROM INDIVIDUAL LOT PRESERVATION PLANS.
 10. THE BOUNDARIES OF A NATURAL OPEN SPACE AREA, EASEMENT ON A RESIDENTIAL LOT THAT IS NOT A PART OF A NATIVE PLANT PRESERVATION SET-ASIDE AREA OR NATURAL OPEN SPACE AREA MAY BE REVISED AS FOLLOWS: (1) FLOOD PLAIN SHOWING THE PROPOSED NATURAL ELEVATION OF EACH RESPECTIVE LOT (CERTIFIED BY A NATURAL ELEVATION OF EACH RESPECTIVE LOT (CERTIFIED BY A REGISTERED LAND SURVEYOR REGISTERED IN THE STATE OF ARIZONA).
 (2) THE REQUIREMENTS OF §18.01.056 OF THE PIMA COUNTY CODE SHALL APPLY TO LOTS 8,9,10, AND 11, AND THE REFLECTIVITY SHALL BE ADJUSTED TO ALL DIRECTIONS ON THE LOTS AND ROADS ADJACENT THERETO.
 (3) SURRENDERED BY NATIVE VEGETATION PLANTED OR MAINTAINED TO THE ORIGINAL CONDITION. THIS CONDITION WILL BE DEEMED SATISFIED BY THE PLANTING OF NOT SMALLER THAN 15 FULLY GROWN TREES AT 15' SPACING INTERVALS (GREENS AS VIEWED FROM THE STREET).
 (4) IN THE EVENT A BUILDING PERMIT IS NOT OBTAINED WITHIN TWO (2) YEARS FROM THE DATE THAT FINAL SUBDIVISION PLAT IS RECORDED, THE LAND ON LOTS 8,9,10, AND 11, SUCH LOT SHALL BE SUBJECT TO THE ORIGINAL SUBDIVISION PLAT. THE LOTS BACKED UPON SAID LOTS PROXIMATE TO THE PROTECTED PEAK AND RIDGE LINE WHICH ARE THEN IN EFFECT.

LEGEND
 A 2" BRASS DISC SURVEY MONUMENT- CONCRETE STAMPED BY A REGISTERED LAND SURVEYOR.
 INDICATES 1/2" DIAMETER PINS, TYPED BY A REGISTERED LAND SURVEYOR, TO BE SET.
 FOUND SURVEY MONUMENT AS NOTED
 SIGHT VISIBILITY TRIANGLE
 LOT ACCESS
 SUBDIVISION BOUNDARY
 PROPERTY LINE / RIGHT-OF-WAY
 EASEMENT AND GRADING LIMIT
 PROTECTED RIDGE
 NATURAL OPEN SPACE
 EROSION HAZARD SETBACK
 LINE NUMBER - SEE LINE TABLE
 CURVE NUMBER - SEE CURVE TABLE
 ACE
 1" ACCESS CONTROL EASEMENT GRANTED TO PIMA COUNTY BY THIS PLAT
 10' PUBLIC UTILITIES EASEMENT GRANTED TO PIMA COUNTY BY THIS PLAT
 ON-SITE FLOW DIRECTION ARROW
 OFF-SITE FLOW DIRECTION ARROW
 POINT OF COMMENCEMENT
 POINT OF BEGINNING
 NATURAL OPEN SPACE

TABLE 1-INDIVIDUAL LOT MITIGATION REQUIREMENTS

LOT #	SAGUARO REQ.	LOT #	SAGUARO REQ.
1	2	11	8
2	5	12	8
3	2	13	20
4	2	14	5
5	2	15	2
6	20	16	2
7	8	17	5
8	10	18	20
9	10	19	20
10	10	20	5
		21	20
		TOTAL SAGUAROS	230

FINAL PLAT
 FOR
THE ENCLAVE AT GATES PASS
 LOTS 1 THRU 21 AND
 COMMON AREA "A" (PRIVATE STREETS)
 BEING A SUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 06, T.14S, R.12E, SMD, PIMA COUNTY, ARIZONA.
 P1200-125
 SHEET 1 OF 4



LOCATION MAP
 A PORTION OF THE SOUTHEAST QUARTER SECTION 06, T.14S, R.12E, SMD, PIMA COUNTY, ARIZONA.
 SCALE: 3"=1 MILE

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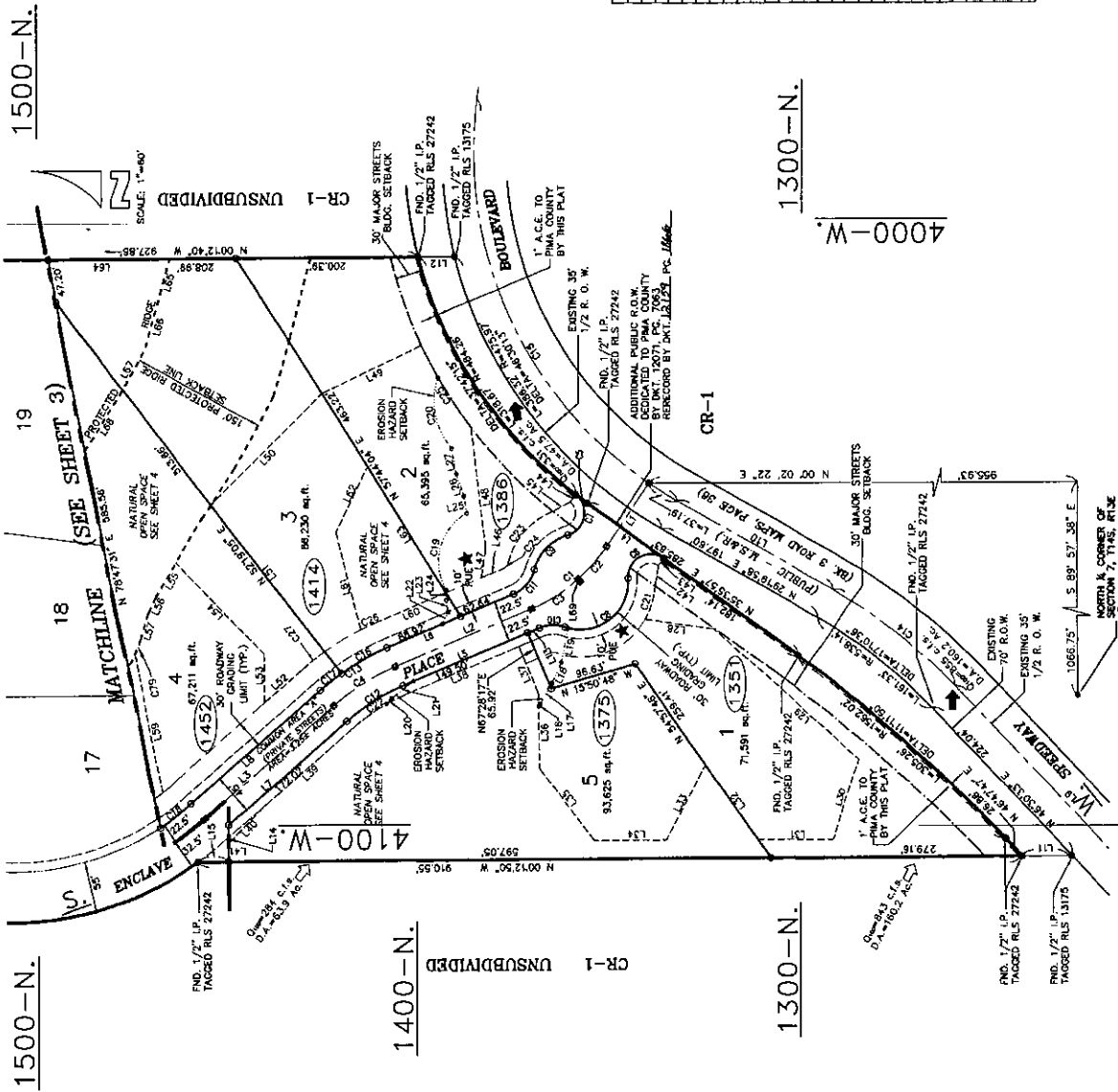
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10	10	20	5
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		TOTAL SAGUAROS	230

FINAL PLAT
 FOR
THE ENCLAVE AT GATES PASS
 LOTS 1 THRU 21 AND
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 P1200-125
 SHEET 1 OF 4

ANNOTATED COPY



LINE TABLE

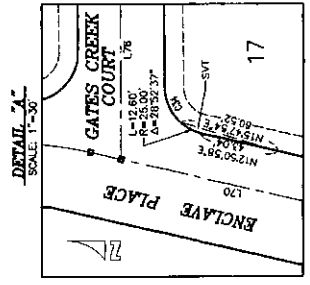
No.	Distances	Bearing
L1	53.37	N67°28'18"E
L2	163.55	N22°31'42"W
L3	130.24	N22°31'42"W
L4	103.69	N25°55'57"E
L5	163.54	N22°31'43"W
L6	191.58	N22°31'43"W
L7	184.02	N43°01'49"W
L8	57.13	N44°30'33"E
L9	197.60	N29°19'58"E
L10	56.34	N00°12'40"W
L11	14.04	N22°31'43"W
L12	40.41	N89°45'30"E
L13	34.54	N00°12'50"W
L14	27.24	N87°29'39"W
L15	24.74	N85°59'42"W
L16	39.31	N77°31'16"W
L17	35.38	S77°23'19"E
L18	14.28	N83°10'55"E
L19	13.50	N89°31'16"E
L20	17.26	N00°01'20"E
L21	16.25	N71°18'35"E
L22	28.40	S77°31'16"E
L23	76.06	S08°12'32"W
L24	214.57	S41°24'45"W
L25	92.58	N71°51'24"W
L26	100.00	N64°57'42"E
L27	92.62	N62°37'31"W
L28	100.00	N00°12'50"W
L29	61.31	N86°14'07"E

LINE TABLE

No.	Distances	Bearing
L30	53.37	N67°28'18"E
L31	163.55	N22°31'42"W
L32	130.24	N22°31'42"W
L33	103.69	N25°55'57"E
L34	163.54	N22°31'43"W
L35	191.58	N22°31'43"W
L36	184.02	N43°01'49"W
L37	57.13	N44°30'33"E
L38	197.60	N29°19'58"E
L39	56.34	N00°12'40"W
L40	14.04	N22°31'43"W
L41	40.41	N89°45'30"E
L42	34.54	N00°12'50"W
L43	27.24	N87°29'39"W
L44	24.74	N85°59'42"W
L45	39.31	N77°31'16"W
L46	35.38	S77°23'19"E
L47	14.28	N83°10'55"E
L48	13.50	N89°31'16"E
L49	17.26	N00°01'20"E
L50	16.25	N71°18'35"E
L51	28.40	S77°31'16"E
L52	76.06	S08°12'32"W
L53	214.57	S41°24'45"W
L54	92.58	N71°51'24"W
L55	100.00	N64°57'42"E
L56	92.62	N62°37'31"W
L57	100.00	N00°12'50"W
L58	61.31	N86°14'07"E

CURVE TABLE

Sta.	Radius	Delta
C1	108.41	33.00
C2	43.11	146.50
C3	61.30	186.50
C4	80.73	250.00
C5	15.91	484.78
C6	58.24	25.00
C7	55.53	25.00
C8	103.29	52.50
C9	35.18	56.50
C10	36.82	39.25
C11	75.46	297.60
C12	67.39	272.60
C13	171.62	573.14
C14	58.18	272.50
C15	23.91	272.50
C16	94.13	60.00
C17	82.54	80.00
C18	38.32	82.50
C19	70.23	217.50
C20	77.07	62.50
C21	105.31	81.26
C22	8.77	9.50
C23	8.17	362.50
C24	33.57	24.00
C25	17.52	150.00



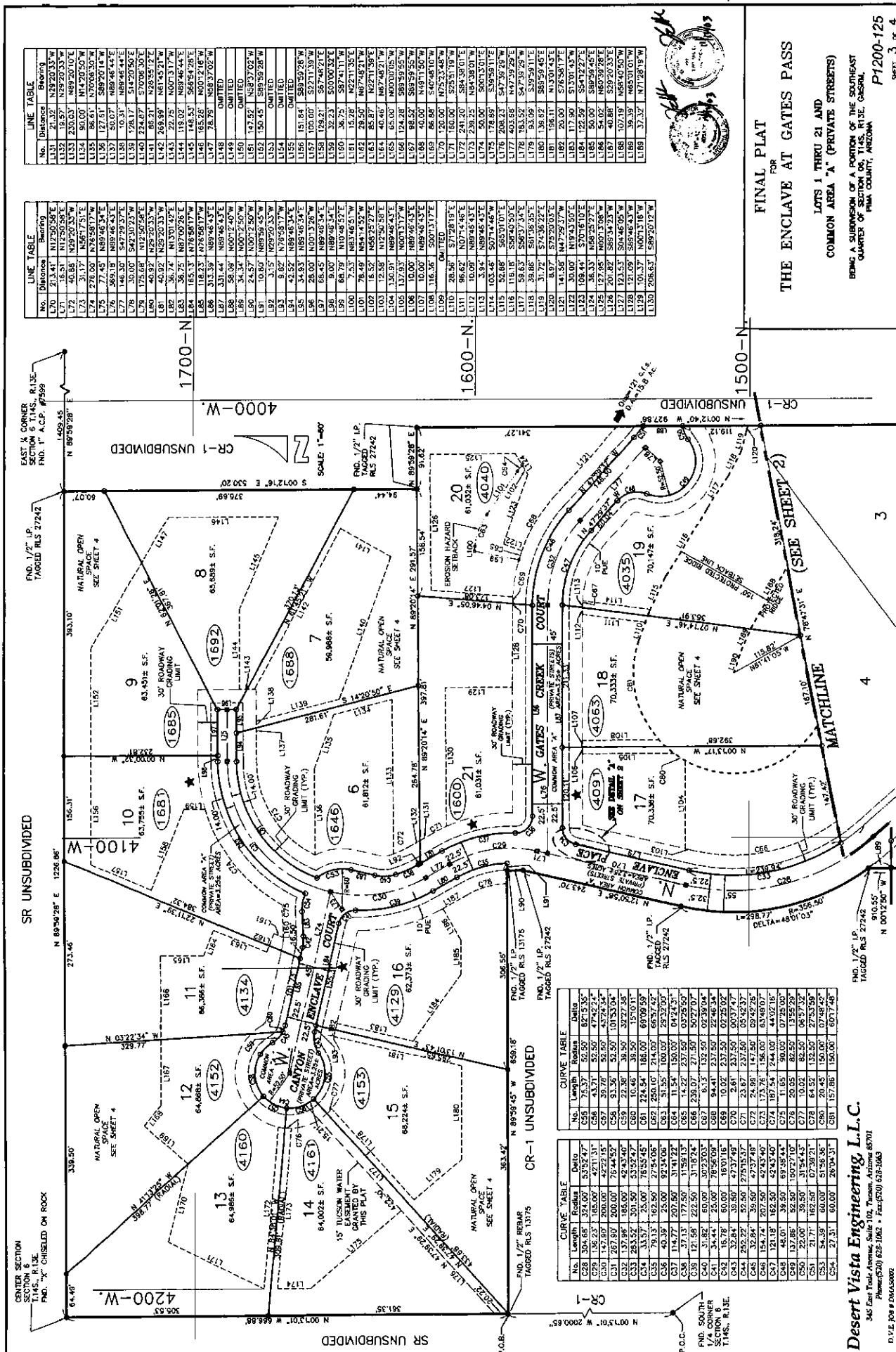
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LOTS 1, THREE 21 AND
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QUARTER OF SECTION 06, T14S, R13E, G3ASBL,
PIMA COUNTY, ARIZONA

P1200-125
SHEET 2 OF 4

Desert Vista Engineering, L.L.C.
345 East Toole Avenue, Suite 100, Tucson, Arizona 85701
Phone: (520) 628-1062 • Fax: (520) 628-1063
D.P.E. JOB # DMA58002

ANNOTATED COPY



No.	Distance	Bearing
L131	21.32	N 89°59'28" E
L132	19.57	N 89°59'28" E
L133	230.03	N 89°59'28" E
L134	90.00	N 1°20'50" W
L135	86.61	N 70°06'30" W
L136	127.81	S 89°59'28" E
L137	50.31	S 89°59'28" E
L138	128.17	S 14°20'50" E
L140	224.87	S 70°06'30" W
L141	85.21	N 89°59'28" E
L142	269.89	N 61°54'21" W
L143	22.75	N 61°54'21" W
L144	118.07	N 89°59'28" E
L145	148.53	N 89°59'28" E
L147	78.20	N 89°59'28" E
L148	OMITTED	OMITTED
L149	OMITTED	OMITTED
L151	147.52	N 89°59'28" W
L152	150.45	S 89°59'28" W
L153	OMITTED	OMITTED
L154	OMITTED	OMITTED
L155	151.84	S 89°59'28" W
L156	100.00	S 89°59'28" W
L158	129.21	S 89°59'28" W
L159	32.23	S 89°59'28" W
L161	15.28	N 2°21'30" E
L162	29.50	N 72°11'30" E
L163	85.87	N 72°11'30" E
L164	100.00	N 72°11'30" E
L165	100.00	N 72°11'30" E
L166	124.28	S 89°59'28" W
L167	88.57	S 89°59'28" W
L168	40.00	N 89°59'28" W
L169	86.86	S 40°48'10" W
L170	120.00	N 75°23'48" W
L171	160.00	S 89°59'28" W
L172	241.20	S 89°59'28" W
L173	250.00	S 89°59'28" W
L174	250.00	S 89°59'28" W
L175	178.89	S 89°59'28" W
L176	208.23	S 47°30'28" W
L177	403.66	S 47°30'28" W
L178	183.52	S 47°30'28" W
L179	139.09	S 89°59'28" W
L180	139.67	S 89°59'28" W
L181	198.11	N 1°30'43" E
L182	130.00	N 1°30'43" E
L183	130.00	N 1°30'43" E
L184	122.59	S 54°12'22" E
L185	50.00	S 89°59'28" E
L186	54.02	N 60°38'28" E
L187	40.88	S 29°20'33" E
L188	107.19	N 65°40'50" W
L189	39.39	N 65°40'50" W
L190	101.37	N 60°13'16" W
L191	226.63	S 89°59'28" W

No.	Distance	Bearing
L70	31.84	N 1°20'50" E
L71	16.61	N 1°20'50" E
L72	40.86	N 29°20'33" W
L73	31.77	N 85°17'51" E
L74	276.00	N 78°58'17" W
L75	77.49	N 89°59'28" E
L76	38.83	N 89°59'28" E
L77	30.00	S 47°30'28" E
L78	30.00	S 47°30'28" E
L79	175.68	N 1°20'50" E
L80	40.92	N 29°20'33" W
L81	40.92	N 29°20'33" W
L82	36.74	N 1°30'43" E
L83	38.75	N 78°58'17" E
L84	158.53	N 78°58'17" E
L85	158.53	N 78°58'17" E
L86	315.34	N 89°59'28" E
L87	331.44	N 89°59'28" E
L88	58.09	N 0°12'40" W
L89	34.34	N 0°12'40" W
L90	24.57	N 0°12'40" W
L91	10.80	N 89°59'28" W
L92	31.75	N 89°59'28" W
L93	31.75	N 89°59'28" W
L94	31.75	N 89°59'28" W
L95	34.53	N 89°59'28" W
L96	28.03	N 0°12'40" W
L97	65.45	N 89°59'28" W
L98	9.00	N 89°59'28" W
L99	67.79	N 10°46'52" E
L100	7.53	N 83°46'51" W
L101	78.49	N 84°14'59" W
L102	15.52	N 85°25'27" E
L103	15.52	N 85°25'27" E
L104	15.52	N 85°25'27" E
L105	15.52	N 85°25'27" E
L106	10.00	N 89°59'28" W
L107	10.00	N 89°59'28" W
L108	116.54	S 0°13'17" E
L109	28.56	S 77°28'19" E
L110	96.62	N 0°14'46" E
L111	110.00	N 89°59'28" E
L112	110.00	N 89°59'28" E
L113	103.44	S 0°14'46" E
L114	103.44	S 0°14'46" E
L115	52.68	S 85°01'01" E
L116	118.18	S 85°01'01" E
L117	58.53	S 85°01'01" E
L118	38.86	S 81°38'35" E
L119	31.72	S 74°36'22" E
L120	8.97	S 75°20'03" E
L121	31.09	N 1°30'43" E
L122	108.44	S 70°16'10" E
L123	30.00	N 1°30'43" E
L124	36.33	N 89°59'28" E
L125	127.64	N 89°59'28" E
L126	207.89	S 89°59'28" W
L127	123.53	S 89°59'28" W
L128	121.09	S 89°59'28" W
L129	101.37	N 60°13'16" W
L130	226.63	S 89°59'28" W

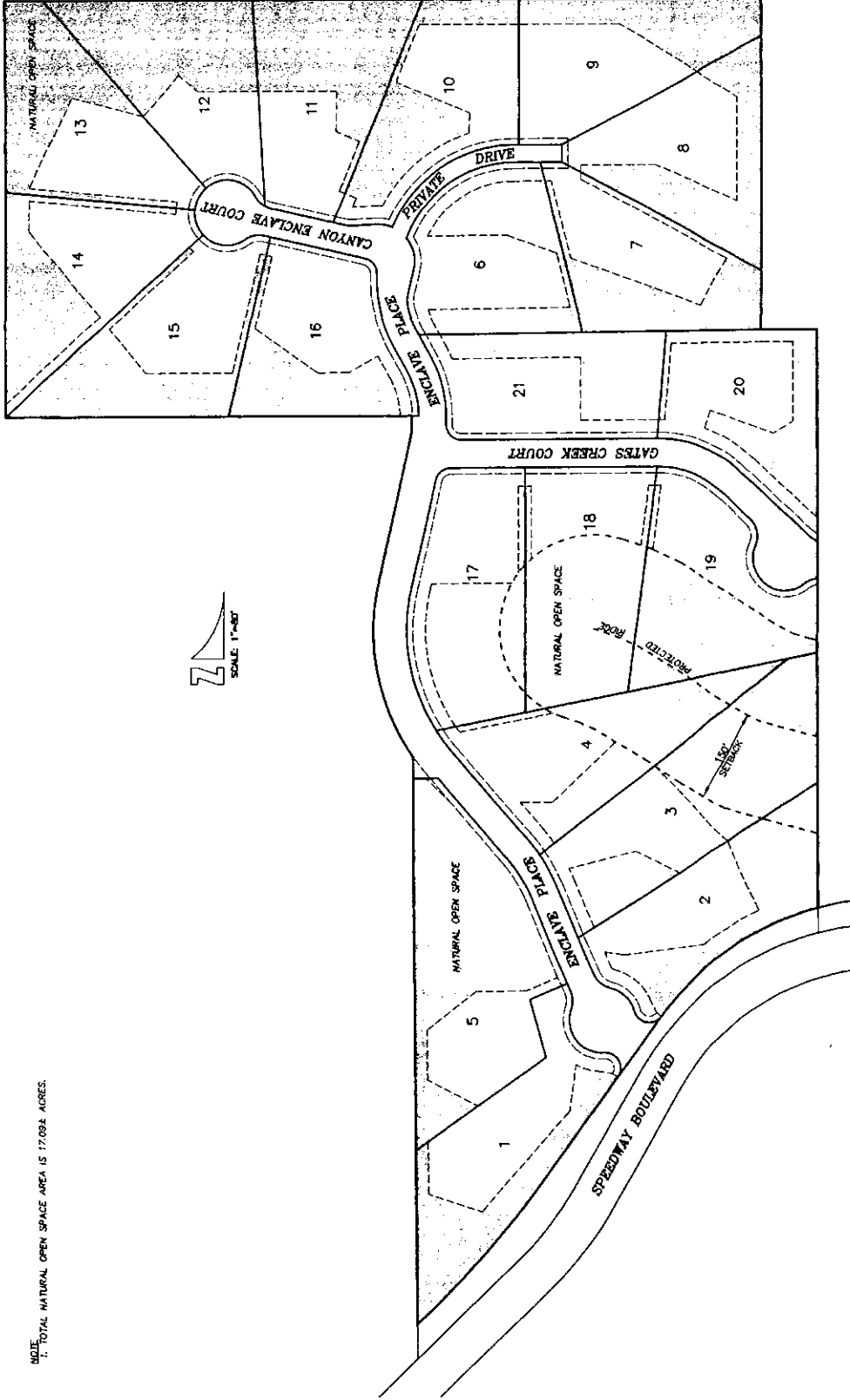
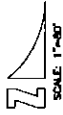
FINAL PLAT FOR
 THE ENCLAVE AT GATES PASS
 LOTS 1 THRU 21 AND
 COMMON AREA 'A' (PRIVATE STREETS)
 BEING A SUBDIVISION OF A PORTION OF THE SOUTHWEST
 QUARTER OF SECTION 06, T14S, R13E, GAZDAN,
 PIMA COUNTY, ARIZONA
 P1200-125
 SHEET 3 OF 4

CURVE TABLE		
No.	Length	Radius
C28	336.68	374.00
C29	152.50	167.50
C30	152.50	167.50
C31	152.50	167.50
C32	152.50	167.50
C33	152.50	167.50
C34	152.50	167.50
C35	152.50	167.50
C36	152.50	167.50
C37	152.50	167.50
C38	152.50	167.50
C39	152.50	167.50
C40	152.50	167.50
C41	152.50	167.50
C42	152.50	167.50
C43	152.50	167.50
C44	152.50	167.50
C45	152.50	167.50
C46	152.50	167.50
C47	152.50	167.50
C48	152.50	167.50
C49	152.50	167.50
C50	152.50	167.50
C51	152.50	167.50
C52	152.50	167.50
C53	152.50	167.50
C54	152.50	167.50

Desert Vista Engineering, L.L.C.
 340 East Trade Avenue, Suite 102, Tucson, Arizona 85711
 Phone: (520) 625-1062 • Fax: (520) 625-1065
 D.V.E. P.O. # 0443682

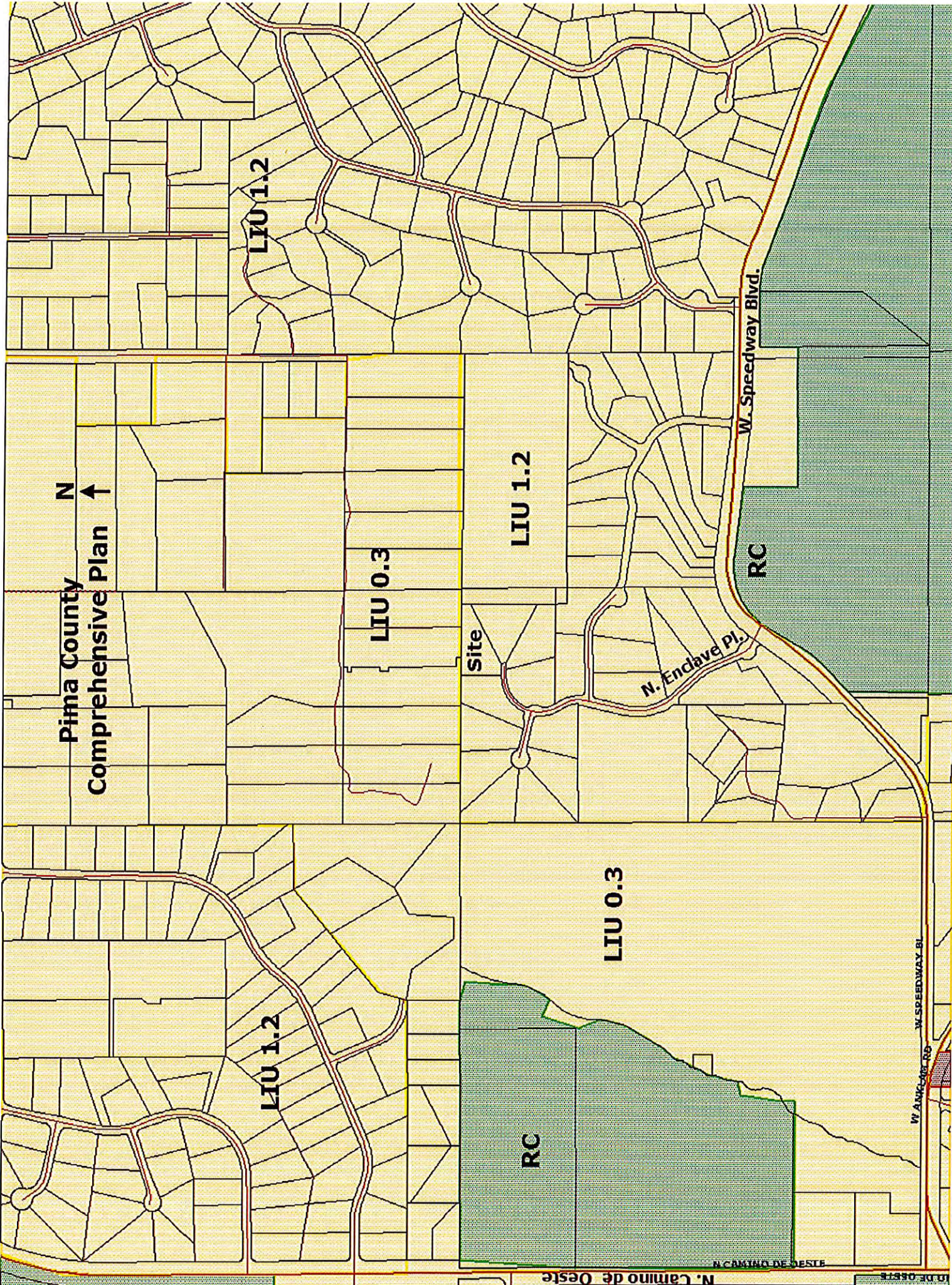
ANNOTATED COPY

NOTE:
1. TOTAL NATURAL OPEN SPACE AREA IS 17.0924 ACRES.



FINAL PLAT
FOR
THE ENCLAVE AT GATES PASS
LOTS 1 THRU 21 AND
COMMON AREA "A" (PRIVATE STREETS)
BEING A SUBDIVISION OF A PORTION OF THE SOUTHEAST
QUARTER OF SECTION 04, T16S, R16E, GASOL,
PIA COUNTY, ARIZONA
P1200-125
SHEET 4 of 4

Desert Vista Engineering L.L.C.
345 E. Tatum Avenue, Suite 102, T. 16S, R. 16E, Gasol, PIA Co., AZ 85711
PH: (602) 953-1062 • FAX: (602) 924-3363
D.V.E. L.L.C. # 044530002



Pima County
Comprehensive Plan
N ↑

LIU 1.2

LIU 0.3

LIU 1.2

Site

N. Endave Pl.

W. Speedway Blvd.

RC

LIU 1.2

LIU 0.3

RC

W. ANGLAS RD W. SPEEDWAY BL

N. Camino de Oeste

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.