

# P B Trading Company, Inc.

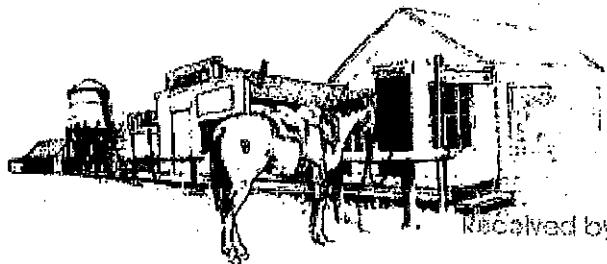
14901 E. Old Spanish Trail

Vail, AZ 85641

Tel: (520) 647-0030

Fax: (520) 647-0020

email: pbtrading@cox.net



Received by

NOV 29 2007

PSOMAS

November 28, 2007

Mr. Calvin Baker, Superintendent  
Vail School District  
13801 E. Benson Highway  
Vail, AZ 85641

Dear Mr. Baker:

I thought I would agree in writing to our conversation this morning.

Upon the approval of a final plat of Coyote Creek II Subdivision, Pima County, Arizona by the Pima County Board of Supervisors, we will pay \$2,000.00 per lot of increased density allowed by the rezoning (estimated to be three) to the Vail School District. You may apply these funds to the needs of the District at your discretion.

Sincerely,

Peter G. Backus  
Managing Partner  
Coyote Creek II Development, LLC

PGB:sdc

cc: Al Flores  
Vail School District

Valerie Feuer ✓  
PSOMAS



# Saguaro Water Company

October 18, 2007

Chet Cave  
Planner  
Land Development Services  
PSOMAS  
800 E. Wetmore Road, Suite 110  
Tucson, Arizona 85719

**Re: Will Serve Notification**  
**50 Acre Site North and Adjacent to Coyote Creek**  
**T15S R16E Section 23**  
**Parcels 205-75-0430; 205-75-032B and 205-75-032A**

Dear Chet,

Saguaro Water Company, (hereinafter referred to as "the Utility"), has received and reviewed your request for water service, and has determined that the subject property/project is located within the boundaries of the service area of the Utility as defined by the Arizona Corporation Commission's Certificate of Convenience and Necessity. Therefore, the Utility will provide service to the subject property/project referenced above subject to the following terms and conditions:

1. The Utility and the owner/developer of the subject property/project shall enter into a Main Extension Agreement which sets forth the respective responsibilities of each party relative to onsite and offsite infrastructure expansions/extensions to accommodate the service demands of the subject property/project.
2. Payment of all costs which are set forth as being the responsibility of the owner/developer in the Main Extension Agreement within the time frames agreed upon.
3. Receipt by the Utility of an Approval to Construct, Approval of Construction, and any other required permits/approvals for the infrastructure improvements identified as being required to serve the subject property/project.
4. The provisions of any regulations, statutes, orders and/or directives from any entity with regulatory/statutory authority over the Utility and the conditions under which it may provide to the subject property/project.

Chet Cave-PSOMAS

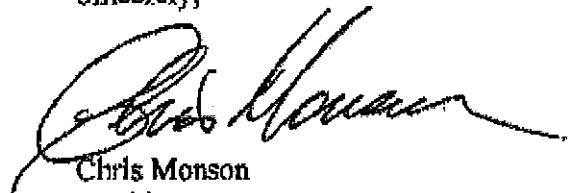
October 18, 2007

Page 2

5. Developer is to contact the Utility prior to initiating design in order to be informed of the Utility design criteria, and other requirements the Utility may have at that time.

We look forward to working with you in the development and implementation of your property/project. Please contact the undersigned at your earliest convenience to arrange for a meeting to initiate the preparation of the Main Extension Agreement and to discuss the scheduling and coordination between our respective companies.

Sincerely,



Chris Monson  
President  
Saguaro Water Company

Accepted this \_\_\_\_\_ day of October, 2007:

\_\_\_\_\_  
Chet Cave

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company Name

F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: RJ  
DEPUTY RECORDER  
9544 PE-2  
P0230  
PIMA CO CLERK OF THE BOARD  
PICKUP



POCKET: 13449  
GE: 1714  
NO. OF PAGES: 8  
SEQUENCE: 20082370601  
12/08/2008  
ORDIN 18:00  
PICKUP  
AMOUNT PAID \$ 0.00

ORDINANCE 2008- 114

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 205-75-032A, 205-75-032B & 205-75-0430) FOR APPROXIMATELY 12.6 ACRES FROM RH (BZ) (RURAL HOMESTEAD) (BUFFER OVERLAY ZONE) TO SR-2 (BZ) (SUBURBAN RANCH ESTATE) (BUFFER OVERLAY ZONE) AND APPROXIMATELY 38.46 ACRES FROM RH (RURAL HOMESTEAD) TO SR-2 (SUBURBAN RANCH ESTATE) IN CASE **Co9-07-27 NOSECK/DAVIS – CAMINO DOROTEA REZONING**; LOCATED ON THE NORTH SIDE OF THE CAMINO DOROTEA ALIGNMENT AND AT THE SOUTHERN TERMINUS OF COYOTE CREEK TRAIL EASEMENT, APPROXIMATELY 1,300 FEET EAST OF CAMINO LOMA ALTA; AMENDING PIMA COUNTY ZONING MAP NO. 181.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

**Section 1.** The 51.06 acres, located on the north side of the Camino Dorotea alignment and at the southern terminus of Coyote Creek Trail Easement, approximately 1,300 feet east of Camino Loma Alta, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 181 is hereby rezoned for approximately 12.6 acres from RH (BZ) (Rural Homestead) (Buffer Overlay Zone) to SR-2 (BZ) (Suburban Ranch Estate) (Buffer Overlay Zone) and for approximately 38.46 acres from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate).

**Section 2. Rezoning Conditions.**

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.

4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:  
The property owner(s)/developer(s) shall include the reconfiguration of lot(s) and access through the adjoining subdivision as part of the subdivision for this rezoning and the access shall be common area.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. Building envelopes shall avoid floodplains, erosion hazard setbacks, and riparian habitat shall be shown on the plat for all lots containing floodplains, erosion hazard setbacks, and riparian habitat. Covenants running with the land restricting development outside building envelopes shall also be provided.
  - C. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention /retention requirements.
  - D. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
  - E. The property owner(s)/developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
  - F. All-weather access shall be provided to all lots to meet concurrency requirements.
  - G. A riparian mitigation plan shall be required for development in designated riparian areas.

9. Wastewater Reclamation condition:

The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

10. Environmental Quality conditions:

- A. All proposed residential lots shall have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements shall be suitable to absorb effluent; and all other design requirements must be satisfied.
- B. At time of Tentative Plat review the applicant shall demonstrate that the lots, as proposed, can accommodate a home site, a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence.
- C. At time of Tentative Plat review percolation tests and boring logs shall be conducted to accurately depict soil conditions as follows: There shall be a minimum of one percolation test and one ten-foot boring log per acre, or one percolation test and one boring log per lot for lots larger than one acre.

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11. Cultural Resources conditions:

- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
- B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
- C. Following rezoning approval, any subsequent development requiring a Type II grading permit shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

12. Natural Resources, Parks and Recreation condition:

The property owner(s)/developer(s) shall provide a 25-foot "Public Non-Motorized Trail Easement" as shown on the Preliminary Development Plan.

13. Environmental Planning conditions:

- A. The owner(s)/developer(s) shall attain compliance with the CLS by setting aside a minimum of eighty (80) percent of the rezoning site as natural open space.
- B. The potential building areas and grading limits on each lot, as shown on the preliminary development plan shall be recorded on the subdivision plat.
- C. All areas graded for septic systems shall be re-vegetated with shallow-rooted native Sonoran desert vegetation (e.g., cacti, sub-shrubs, ground covers) at the completion of installation.
- D. With the exception for road crossings, all grading shall avoid washes, riparian areas and areas with slopes of 15 percent or greater.
- E. The following shall be incorporated into Private Subdivision Covenants, Conditions and Restrictions (CC&Rs) that govern Homeowners' Associations (HOAs) and the actions of private property owner(s) within the Subdivision:
  1. Maintenance of Common Area by Association: the HOA shall be responsible for the removal of invasive non-native plant species from Common Areas, including but not limited to those listed below.
  2. Maintenance of Lots by Owner(s): obligations of Owner(s) shall include keeping private lots free of invasive non-native plant species including but not limited to those listed below:

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass

Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

14. In the event the subject property is annexed, the property owner(s)/developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
15. The property owner(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."
16. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
17. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

### **Section 3. Time limits, extensions and amendments of conditions.**

1. Conditions 1 through 17 shall be completed by August 18, 2013.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 17 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

**Section 4.** The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, this 2nd day of December, 2008.



Richard E. Elsner  
Chairman of the Board of Supervisors  
12/2/08

ATTEST:



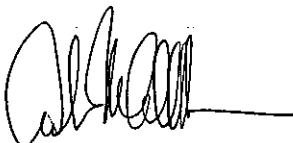
Lori Godoshian  
Clerk, Board of Supervisors

APPROVED AS TO FORM:



Carter  
Deputy County Attorney

**ANDREW FLAGG**

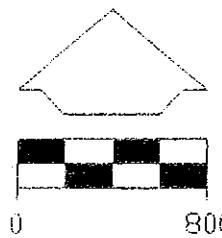


Carol H. Hagan  
Executive Secretary,  
Planning and Zoning Commission

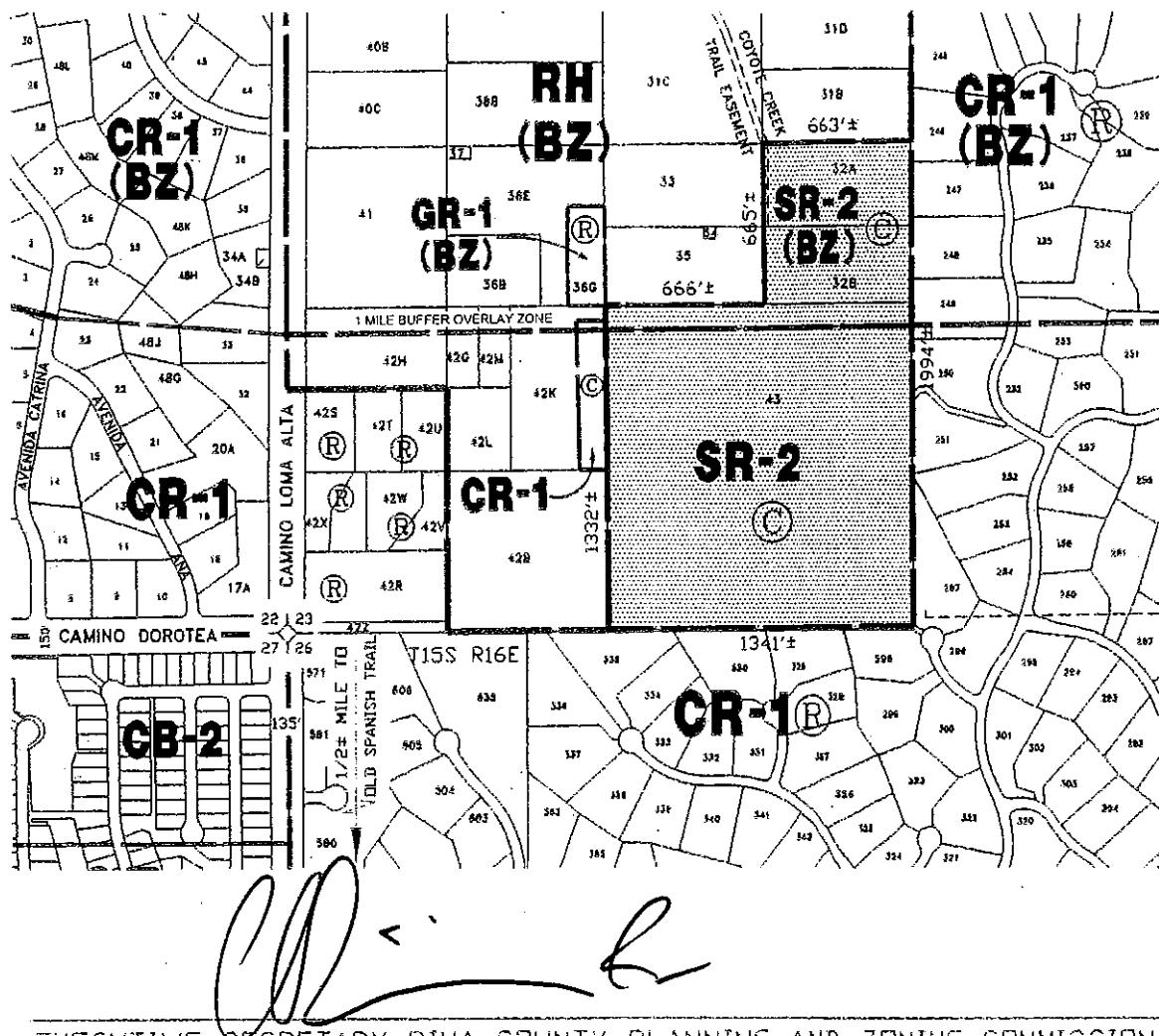
# EXHIBIT A

AMENDMENT NO. 14 BY ORDINANCE NO. 2008-114  
TO PIMA COUNTY ZONING MAP NO. 181 TUCSON, ARIZONA.

PARCELS 032A, 032B & 0430 BEING A PART OF THE SE 1/4 OF  
THE NE 1/4 OF THE SW 1/4 AND THE SE 1/4 OF THE SW 1/4  
OF SECTION 23, T15S, R16E



ADOPTED DECEMBER 2, 2008 EFFECTIVE DECEMBER 2, 2008



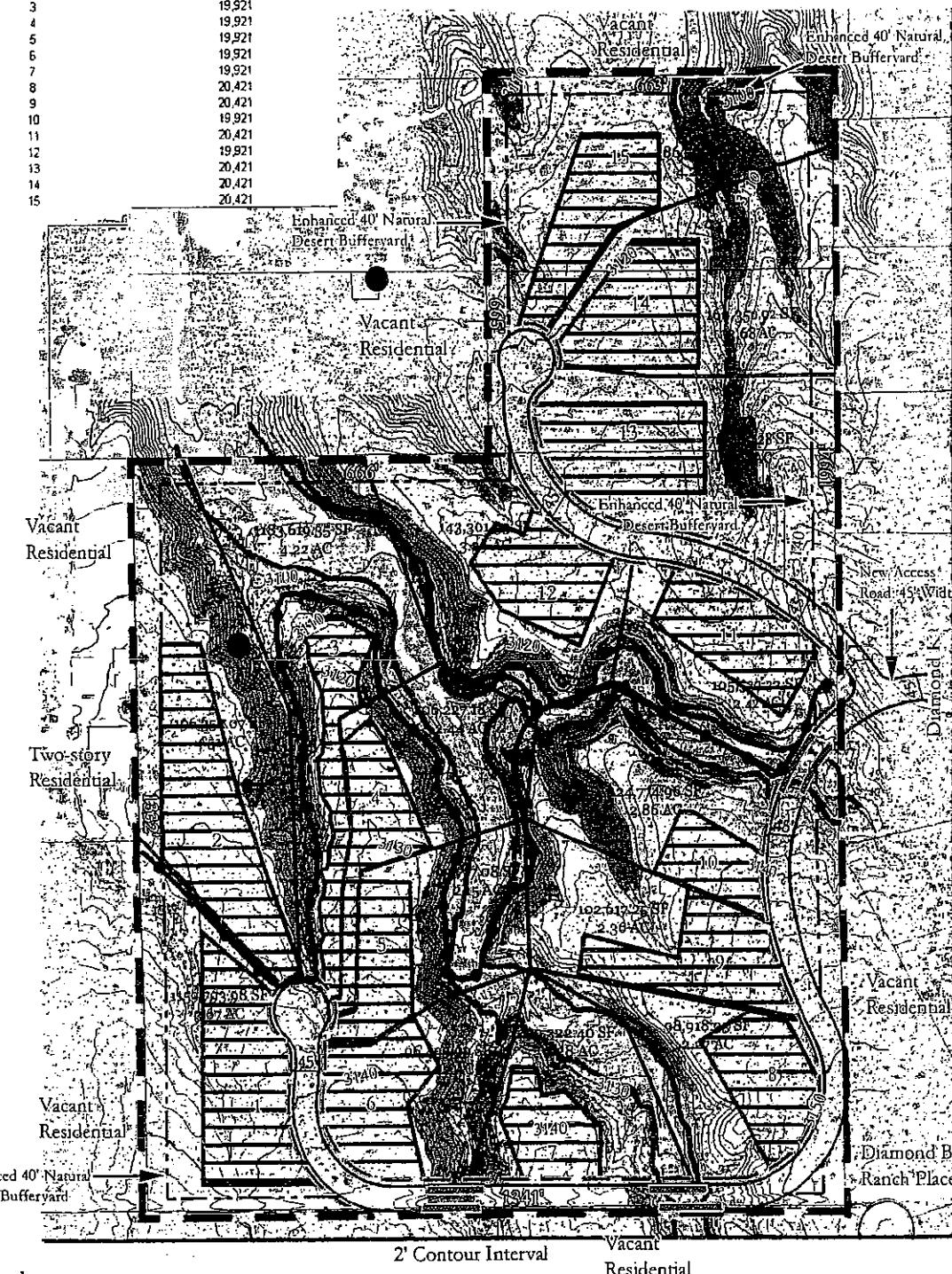
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM RH 38.46 ac±  
FROM RH(BZ) 12.60 ac±  
PJ-OCTOBER 28, 2008

Co9-07-027  
Co7-00-020  
205-75-032A  
205-75-032B &  
205-75-0430

# EXHIBIT B

Lot Number	Grading Limits On Each Lot (sq. ft.)
1	23,921
2	27,921
3	19,921
4	19,921
5	19,921
6	19,921
7	19,921
8	20,421
9	20,421
10	19,921
11	20,421
12	19,921
13	20,421
14	20,421
15	20,421



## Legend

- Site Boundary
- Lot Lines
- Erosion Hazard Setback
- 100 Yr. Floodplain
- Proposed Trail
- Public Utility Easement
- Bank Protection
- Potential Building Area
- Buffer Overlay Zone
- Slopes: 15-25%
- Slopes: >25%
- Xeroriparian C
- Xeroriparian D
- Well Sites

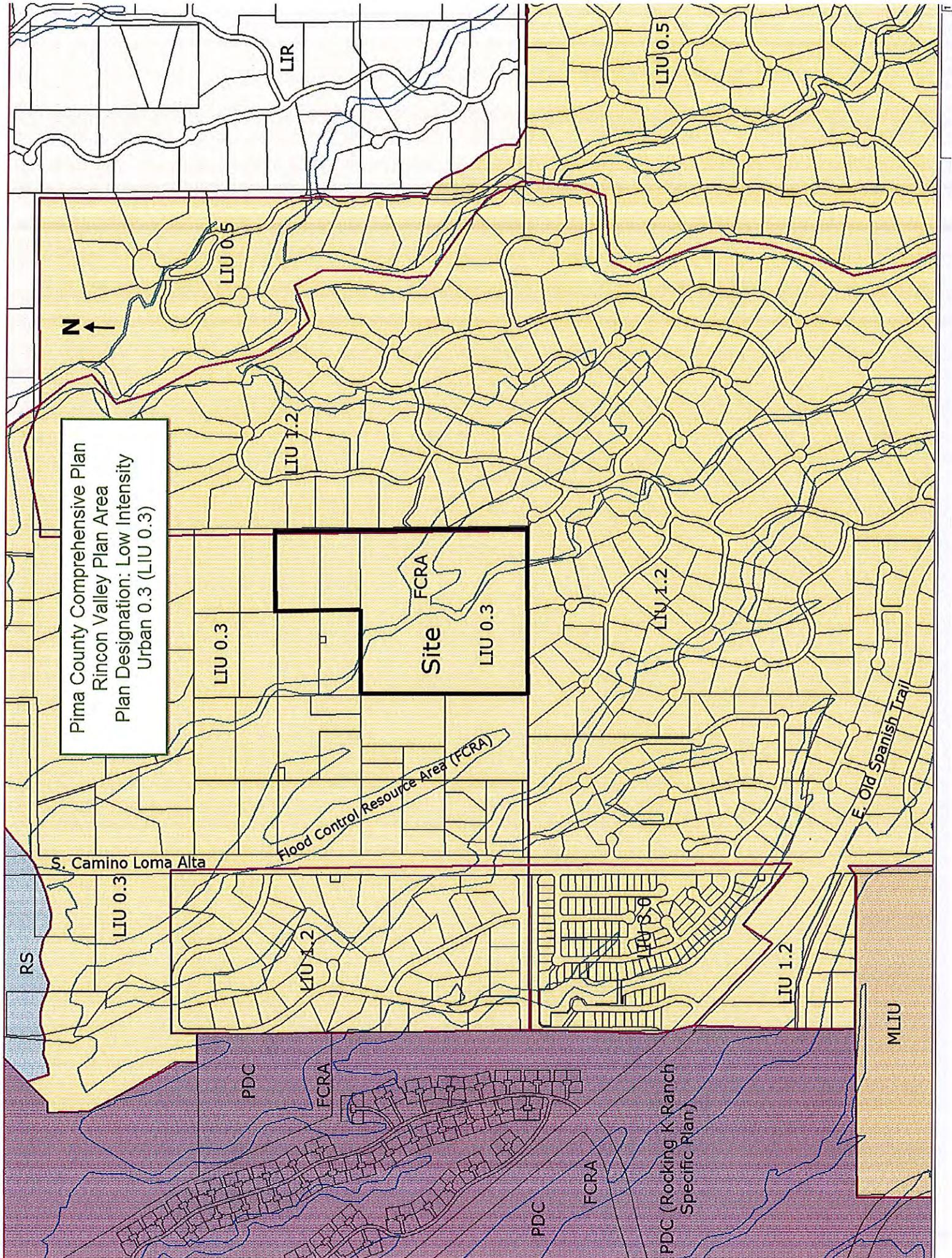
200 100 0 200 400

Scale: 1" = 200'-0"

North

Lot grading, including septic system and driveways, will occur only within potential building area shown. Areas not graded within potential building areas will remain Natural Open Space. Under no circumstances shall more than 20% of the entire site be graded.

Preliminary  
Development Plan  
Exhibit: II-B.1



## **Excerpt from Pima Prospers FINAL (as adopted 2015)**

### **Land Use Legend**

The Land Use Intensity Legend is composed of a number of “urban/suburban”, “rural” land use, and general categories. Urban/suburban designations are usually used in the metropolitan areas of Tucson, Green Valley and certain unincorporated communities. Rural land uses are generally used in exurban and rural locales. General categories can be found throughout the unincorporated county. Each category includes a description of the objectives and the types of uses intended for that category. In addition, most categories that allow residential uses include a minimum and maximum gross density, defined as residences per acre (RAC). Only land area zoned and planned for residential use or open space areas not including golf courses, shall be included in gross density calculations.

Effective densities throughout the rezoning process may be constrained by hydrology, open space requirements, overlay zones, cultural resources, and many other factors.

#### **A. Urban/Suburban Intensity Categories**

The following land use intensity categories shall be applied to designate planned land use within urban and suburban areas only:

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##### **9. Low Intensity Urban (LIU)**

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

- a. Objective: 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. Density bonuses are offered in exchange for the provision of natural and/or functional 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.

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##### **4) *Low Intensity Urban 0.3 (LIU-0.3)***

- a) Residential Gross Density:

- i) Minimum – none
- ii) Maximum – 0.3 RAC. The maximum gross density may be increased in accordance with the following options:

- a] Gross density of 0.7 RAC with 50 percent open space;  
or

- b] Gross density of 1.2 RAC with 65 percent open space.
- b) Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
  - i) Minimum density – none
  - ii) Maximum – 0.3 RAC. The maximum gross density may be increased in accordance with the following option:
    - a] Gross density of 0.7 RAC with 60 percent open space.

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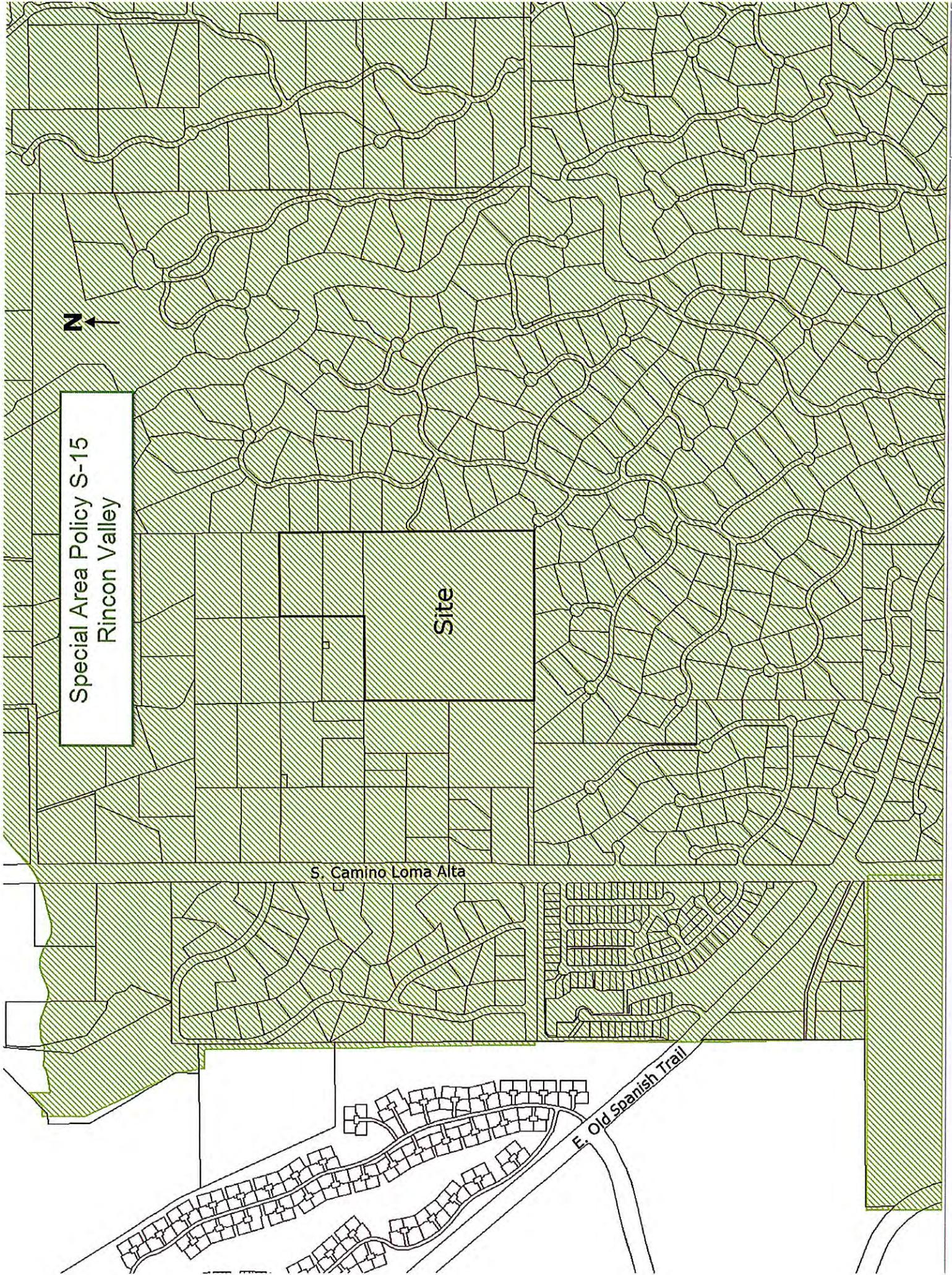
**Special Area Policy S-15**  
Rincon Valley

N

Site

S. Camino Loma Alta

E. Old Spanish Trail



# Special Area and Rezoning Policies

Special Area Policies (SAP) are one of the two types of mapped plan policies (along with Rezoning Policies (RP), covered in a following section of this chapter. SAPs apply to sites typically composed of multiple parcels that share a unique physical feature or location over a relatively large area. They overlay larger areas such as transportation gateways into metro Tucson, significant floodplains, or areas covering a significant portion of a planning area carried forward from a previous (rescinded) area, neighborhood, or community plan.

They are used to help guide the creation of rezoning conditions, but also may serve as general policy for the area they cover such as the Community Development Target Areas.

Special Area Policies are labeled as "S" and are numbered individually on the plan's land use maps. In parenthesis next to the policy title is the referenced map in which the special area lies.

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## **S-15 Rincon Valley (RV)**

### **General location**

Both sides of S. Camino Loma Alta in the Rincon Valley, in Sections 21, 22, 23, 24, 25, 26, 27, 28 34, 35 and 36 of Township 15 South, Range 16 East; and Sections 2, 3 and 11 of Township 16 South, Range 16 East.

### **Description**

Incorporates policies from the prior Rincon Valley Area Plan (Co13-87-1), overlays various land use intensities, and provides special incentives to protect rural character, discourage strip commercial and protect scenic quality, especially along Camino Loma Alta.

### **Policies**

#### **A. General Objectives**

1. Maintain dark night skies.
2. Protect steep slopes from degradation.

3. Identify and protect natural landmarks.
4. Encourage the restoration of Rincon Creek areas.

B. Design

1. Activity centers at nodes shall be designed to facilitate interior circulation.
2. Architectural design will be characterized by a rural southwestern ranching style of architecture. Materials shall include masonry, adobe, brick, rock, or stucco with wood beams used for support and/or trim only.
3. Muted colors are acceptable for use on building exteriors and may include ranges of brown, such as rusts, sepia, sands, tans and buffs, and some olive and gray tones. Other tones and colors may be used for trim.
4. All architectural elements, including color, are subject to approval by Design Review Committee. [Review may be limited to particular geographical areas and/or project size, i.e., Community Activity Center, portions of Camino Loma Alta and Old Spanish Trail.]
5. Construction methods that result in minimal site disturbance shall be required.
6. Development which encroaches upon any riparian areas shall be re-vegetated with plant material salvaged from the site. Riparian habitat shall be recreated through the planting of trees, shrubs, and seed mix native to the site and be equal to the pre-disturbance plant density, diversity, and volume on the net site.

C. Visual Impacts

Important viewsheds, especially as seen from the vicinity of Camino Loma Alta and Old Spanish Trail, need to be protected through low profile development, clustering, and height restrictions. [The Rincon Valley Development Capability Analysis will be used as a resource guide for visual resource protection.] Views to the northeast of this intersection are of Saguaro National Park and of the Rincon Mountain peaks. Views to the south and southeast are of the Santa Rita Mountains and are less dominant than those to the north. Policies to be implemented within this category are as follows:

1. Development shall be designed to be visually harmonious in form, line, color, and texture with its natural surroundings.
2. Development, including infrastructure, shall apply appropriate mitigation techniques such as desert varnish, innovative grading methods, and boulder and rock replacement, in addition to implementing required re-vegetation policies.
3. Development within the viewshed area along Camino Loma Alta and Old Spanish Trail shall be screened with landscape buffers which utilize native plant materials and earth

berms. Land uses and buffers shall be positioned to allow for views of the Saguaro National Park and of the mountains through the intervening developed areas.

#### D. Trails

The area between Rocking K and Vail Valley is an important linkage area and provides an opportunity to integrate urban and rural land uses. Trails in this area shall accommodate commuter bicyclists, recreational bicyclists, pedestrians, and equestrian linkages. The following policies will provide the backbone for a future trail system which will be integrated with any proposed development within this area as a condition of rezoning.

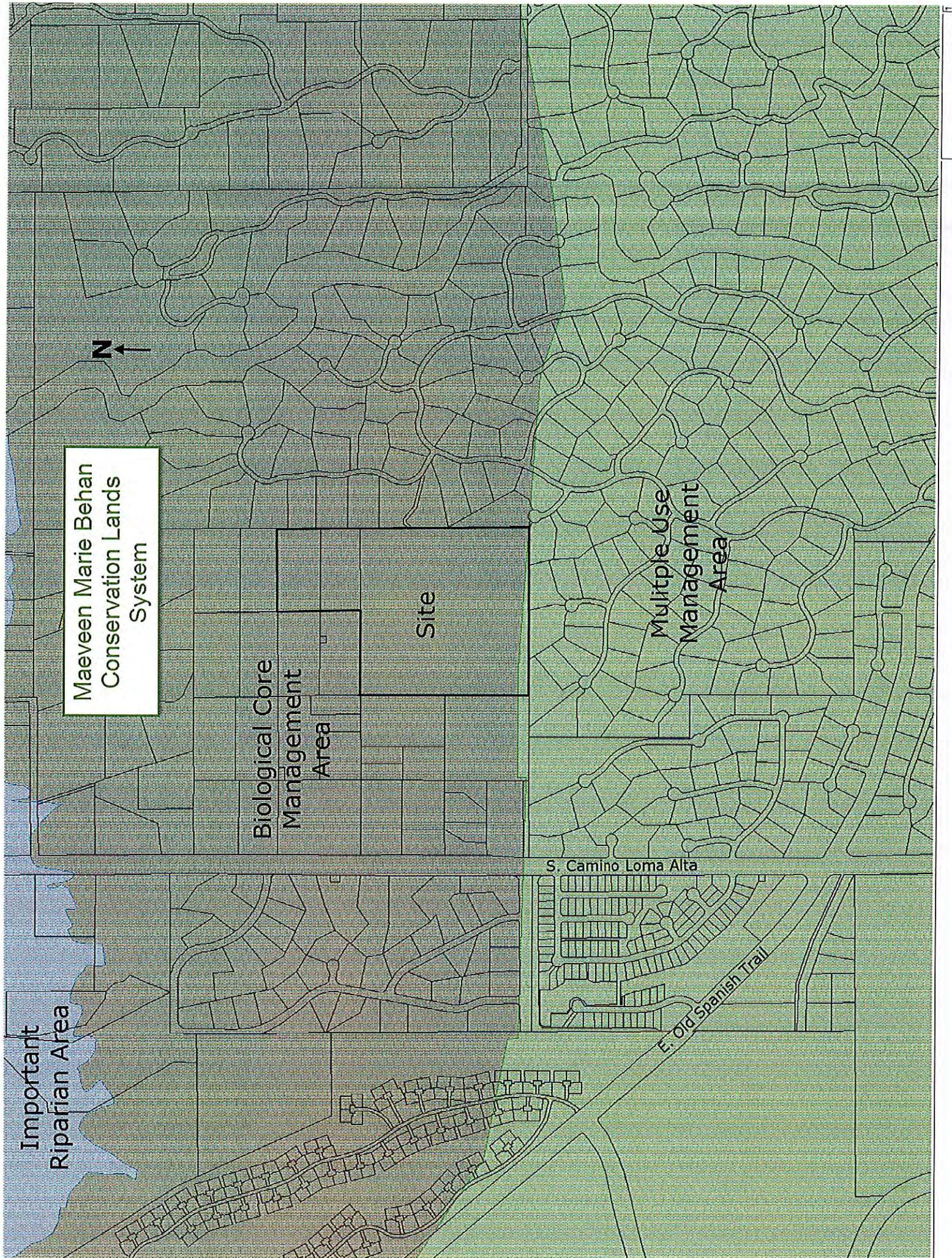
1. Multi-use path system shall be designed along Camino Loma Alta to create a linkage between Rocking K and Vail Valley and any development in between.
2. A multi-use paved path along Old Spanish Trail will be integrated with any proposed development.
3. Bike path along Camino Loma Alta shall be separated from vehicular traffic.
4. A 30-foot wide easement shall be designated by the developer for land adjacent to Rincon Creek for continuous hiking, biking, and equestrian trails.

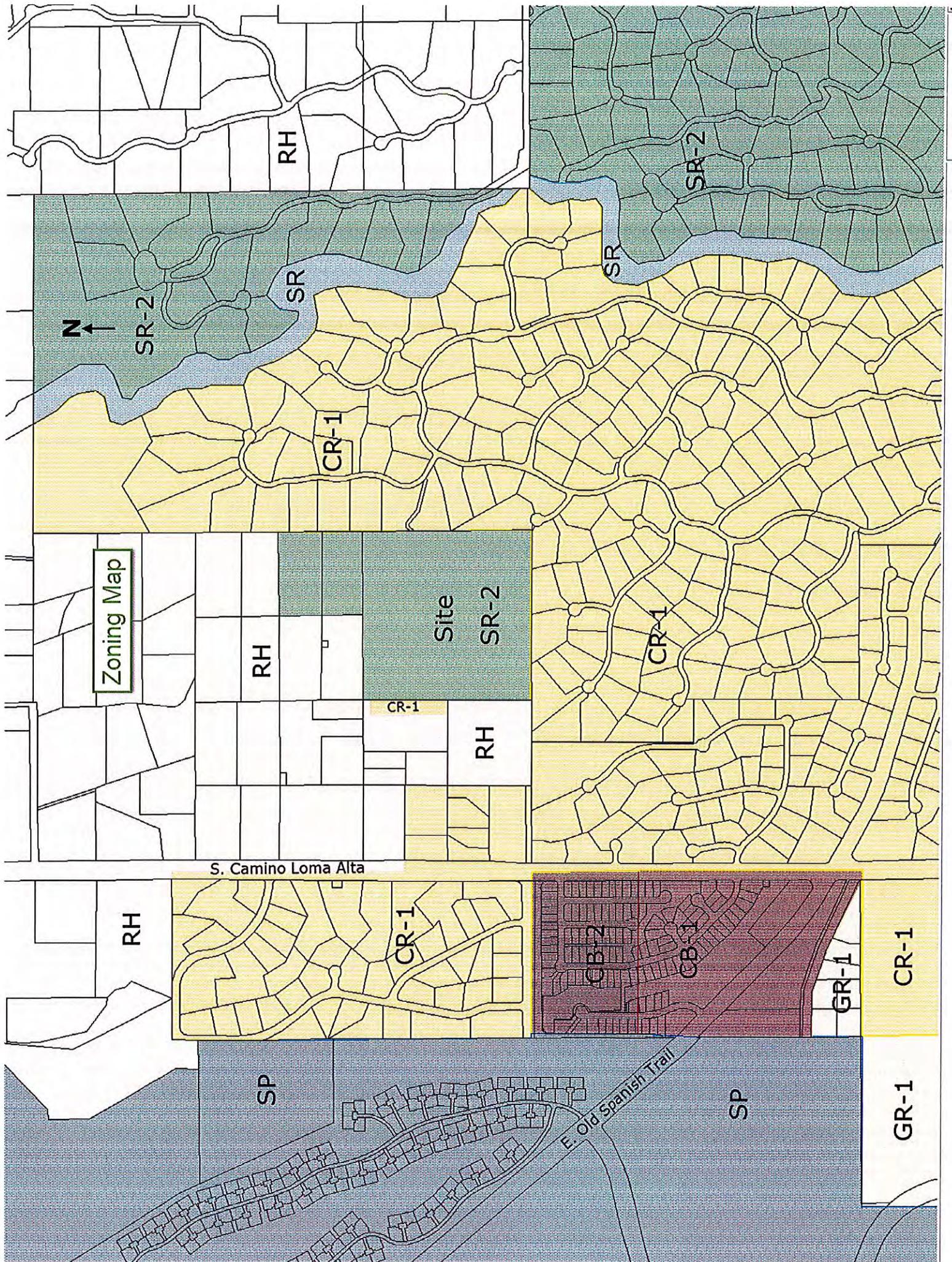
#### E. Public Improvements

For floodplain management and safety purposes the following standards shall apply to future roadway crossing improvements at Rincon Creek for Old Spanish Trail and Camino Loma Alta:

1. The ten year discharge shall be conveyed under the roadway provided that:
  - a. The depth of flow of the design flood on the roadway shall not exceed one foot for a duration of four hours.
  - b. Drainage structures and roadway approaches shall be constructed so as to pass the design 100-year flood flow without damage to the roadway.
  - c. No adverse channel bed response shall occur.
2. Drainage structures and roadway approaches shall be constructed so as to withstand the design flow without damage to the roadway.

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# Original Rezoning Approval Co9-07-27

## BOS Minutes 8-18-08

items relevant to the denial. Mr. Catalano replied he tried to work with staff but some requests were insurmountable. He did not take their concerns lightly. He was a long-time active neighborhood resident. A 60-foot natural wildlife corridor runs through the site. Most of the hillside was undisturbed. Almost half the lot was untouched. Each property line has 40-foot buffers. Grading was very limited.

Arlan Colton, Planning Official, stated some items can be resolved through platting with additional conditions. Chairman Elías noted that although the site was urban, it was still vital to retain the integrity of the Sonoran Desert. Mr. Catalano agreed with Supervisor Day that he would go above and beyond zoning requirements. He verified for Chairman Elias that he would continue to work with staff.

The Chairman inquired whether anyone wished to be heard.

The following addressed the Board:  
Michael Toney

Comments included the following:

The City and County both need open space.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to close the public hearing and approve Co9-07-02, as amended.

### → 26. DEVELOPMENT SERVICES: REZONING

#### Co9-07-27, NOSECK/DAVIS-CAMINO DOROTEA REZONING

Request of Ronald, Denise and Raymond Noseck and Michael Davis, represented by Psomas, for a rezoning of approximately 38.46 acres from RH (Rural Homestead) and approximately 12.6 acres from RH (BZ) (Rural Homestead) (Buffer Overlay Zone) to approximately 38.46 acres SR-2 (Suburban Ranch Estate) and approximately 12.6 acres SR-2 (BZ) (Suburban Ranch Estate) (Buffer Overlay Zone), on property located on the north side of the Camino Dorotea alignment and at the southern terminus of Coyote Creek Trail Easement, approximately 1,300 feet east of Camino Loma Alta. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Membrila was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 4)

"Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:

The property owner(s)/developer(s) shall include the reconfiguration of lot(s) and access through the adjoining subdivision as part of the subdivision for this rezoning and the access shall be common area.

8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - ~~B. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.~~
  - ~~C. Building envelopes shall be shown on the tentative plat for all lots containing floodplains, erosion hazard setbacks, and riparian habitat. Covenants running with the land restricting development outside building envelopes shall also be provided. Building envelopes shall avoid floodplains, erosion hazard setbacks, and riparian habitat shall be shown on the plat for all lots containing floodplains, erosion hazard setbacks, and riparian habitat. Covenants running with the land restricting development outside building envelopes shall also be provided.~~
  - ~~D. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements.~~
  - ~~E. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.~~
  - ~~F. The property owner(s)/developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.~~
  - ~~G. All-weather access shall be provided to all lots to meet concurrency requirements.~~
  - ~~H. A riparian mitigation plan shall be required for development in designated riparian areas.~~
9. Wastewater Reclamation condition:  
The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
10. Environmental Quality condition
  - A. All proposed residential lots shall have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements shall be suitable to absorb effluent; and all other design requirements must be satisfied.
  - B. At time of Tentative Plat review the applicant shall demonstrate that the lots, as proposed, can accommodate a home site, a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence.
  - C. At time of Tentative Plat review percolation tests and boring logs shall be conducted to accurately depict soil conditions as follows: There shall be a minimum of one percolation test and one ten-foot boring log per acre, or one percolation test and one boring log per lot for lots larger than one acre.
11. Cultural Resources conditions:
  - A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
  - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
  - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Natural Resources, Parks and Recreation condition:  
The property owner(s)/developer(s) shall provide a 25-foot "Public Non-Motorized Trail Easement" as shown on the Preliminary Development Plan.
13. Environmental Planning conditions:
  - A. The owner(s)/developer(s) shall attain compliance with the CLS by setting aside a minimum of eighty (80) percent of the rezoning site as natural open space.
  - B. The potential building areas and grading limits on each lot, as shown on the preliminary development plan shall be recorded on the subdivision plat.
  - C. All areas graded for septic systems shall be re-vegetated with shallow-rooted native Sonoran desert vegetation (e.g., cacti, sub-shrubs, ground covers) at the completion of installation.
  - D. With the exception for road crossings, all grading shall avoid washes, riparian areas and areas with slopes of 15 percent or greater.

E. The following shall be incorporated into Private Subdivision Covenants, Conditions and Restrictions (CC&Rs) that govern Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:

- 1) Maintenance of Common Area by Association: the HOA shall be responsible for the removal of invasive non-native plant species from Common Areas, including but not limited to those listed below.
- 2) Maintenance of Lots by Owners: obligations of Owners shall include keeping private lots free of invasive non-native plant species including but not limited to those listed below.

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

<i>Ailanthus altissima</i>	<i>Tree of Heaven</i>	<i>Eragrostis</i> spp.	<i>Lovegrass (excluding E. intermedia, plains lovegrass)</i>
<i>Alhagi pseudalhagi</i>	<i>Camelthorn</i>	<i>Melinis repens</i>	<i>Natal grass</i>
<i>Arundo donax</i>	<i>Giant reed</i>	<i>Mesembryanthemum</i> spp.	<i>Iceplant</i>
<i>Brassica tournefortii</i>	<i>Sahara mustard</i>	<i>Peganum harmala</i>	<i>African rue</i>
<i>Bromus rubens</i>	<i>Red brome</i>	<i>Pennisetum ciliare</i>	<i>Buffelgrass</i>
<i>Bromus tectorum</i>	<i>Cheatgrass</i>	<i>Pennisetum setaceum</i>	<i>Fountain grass</i>
<i>Centaurea melitensis</i>	<i>Malta starthistle</i>	<i>Rhus lancea</i>	<i>African sumac</i>
<i>Centaurea solstitialis</i>	<i>Yellow starthistle</i>	<i>Salsola</i> spp.	<i>Russian thistle</i>
<i>Cortaderia</i> spp.	<i>Pampas grass</i>	<i>Schismus arabicus</i>	<i>Arabian grass</i>
<i>Cynodon dactylon</i> (excluding sod hybrid)	<i>Bermuda grass</i>	<i>Schismus barbatus</i>	<i>Mediterranean grass</i>
<i>Digitaria</i> spp.	<i>Crabgrass</i>	<i>Sorghum halepense</i>	<i>Johnson grass</i>
<i>Elaeagnus angustifolia</i>	<i>Russian olive</i>	<i>Tamarix</i> spp.	<i>Tamarisk</i>

14. In the event the subject property is annexed, the property owner(s)/developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
15. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
16. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
17. Adherence to the preliminary development plan as approved at public hearing."

Arlan Colton, Planning Official, stated that the Conservation Lands System requirements were being met. There was no public comment. This was a continuation of the Coyote Creek project.

Supervisor Carroll noted the applicant's representative was present for any questions.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-27.

**27. DEVELOPMENT SERVICES: REZONING**

**Co9-07-33, 4D PROPERTIES-ORANGE GROVE ROAD REZONING**

Request of 4D Properties, represented by Tim McCann Consulting, L.L.C., for a rezoning of approximately 3.60 acres from CR-5 (Multiple Residence) and approximately 0.75 acres from CB-1 (Local Business) to CB-2 (General Business), on property located on the south side of the Orange Grove Road, approximately 600 feet east of Oracle Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Membrila was absent) to recommend