



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 09/15/2015

Title: Co9-15-02 PRF3, LLC – Briar Rose Lane Rezoning

Introduction/Background:

The applicant requests a rezoning from SR (Suburban Ranch) to CR-4 (Mixed-Dwelling Type) for residential infill development of a 34-lot single-family residential subdivision on 9.79 acres.

Discussion:

Current SR zoning allows only two single-family residences to be developed. A Comprehensive Plan amendment was approved for the site in 2014.

Conclusion:

Requested rezoning conforms to the Comprehensive Plan; rezoning on site would be similar to residential density and zoning of surrounding neighborhoods.

Recommendation:

Staff recommends approval of the rezoning with conditions; Planning & Zoning Commission also recommends approval with conditions.

Fiscal Impact:

0

Board of Supervisor District:

1

2

3

4

5

All

Department: Development Services - Planning

Telephone: 724-9000

[Signature] Department Director Signature/Date: 8/24/15

Deputy County Administrator Signature/Date: John Jeff Bond 9/1/15

County Administrator Signature/Date: C. Dudley 9/1/15



TO: Honorable Ally Miller, Supervisor, District # 1
FROM: Arlan M. Colton, Planning Director *AMC*
DATE: August 21, 2015
SUBJECT: Co9-15-02 PRF3, LLC – W. BRIAR ROSE LANE REZONING

The above referenced Rezoning within your district is scheduled for the Board of Supervisors' **SEPTEMBER 15, 2015** hearing.

REQUEST: For a rezoning of approximately 9.79 acres from the SR (Suburban Ranch) zone to the CR-4 (Mixed-Dwelling Type) zone, on property located west of W. Briar Rose Lane, on the north side of the W. Freer Drive alignment, approximately 1,200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard.

OWNER: PRF3, LLC
5760 E. Territory Avenue
Tucson, AZ 85750-1801

AGENT: MJM Consulting, Inc.
Attn: Michael Marks, AICP
7002 E. 4th Street
Tucson, AZ 85710

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of August 21, 2015, staff has received four letters in opposition, including one that has a protest petition with 46 signatures. Concerns cited in the letters include potential for two-story residences and impact on views, increased traffic and safety problems, inadequate infrastructure, lack of school capacity, water usage, natural area and wildlife disturbance, flooding concerns, discontinued enjoyment of the property as a place to recreate, and decreased property values. At the Planning and Zoning Commission hearing, eight people spoke in opposition citing concerns of a nature similar to those cited in the letters and one person spoke advocating for rezoning conditions pertaining to Conservation Lands System policies.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS (7 – 0, Commissioners Matter, Bain, and Cook were absent).

STAFF RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property is located within the Maeveen Marie Behan Conservation Lands System (MMBCLS) with designations of Important Riparian Area, Multiple Use Management Area, and Special Species Management Area.

AC/DP/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-15-02

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FOR TUESDAY, SEPTEMBER 15, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director
Public Works - Development Services Department - Planning Division *AMC*

DATE: August 21, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

Co9-15-02 PRF3, LLC – W. BRIAR ROSE LANE REZONING

Request of **PRF3, LLC**, represented by **MJM Consulting, Inc.**, for a rezoning of approximately 9.79 acres from the SR (Suburban Ranch) zone to the CR-4 (Mixed-Dwelling Type) zone, on property located west of W. Briar Rose Lane, on the north side of the W. Freer Drive alignment, approximately 1,200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 7-0 to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** (Commissioners Matter, Bain, and Cook were absent). Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (July 29, 2015)

Staff presented information from the staff report to the Commission with a recommendation of approval with conditions. Staff indicated that conditions 14, 15, and 16, on a separate sheet from the staff report and pertaining to Conservation Lands System natural area set-aside mitigation recommended by the Coalition for Sonoran Desert Protection, have been edited to the applicant's, the Coalition's, and staff's satisfaction.

A commissioner stated that he did not understand the flood issues. Staff referred to site analysis Exhibit II-D.3 in explaining that FEMA 100-year floodplain in the south portion of the subject property is shown and will be proven to be smaller than currently officially mapped. A bank will be installed to remove proposed lots from the erosion hazard setback. The northerly drainage area is Important Riparian Area, but not vegetated. It will be shared with the subdivision existing to the north-northwest. Each subdivision will share maintenance of the drainageway through future agreements. The drainageway is not FEMA floodplain but is locally mapped. The current swale will be left as is, but will be enhanced with native vegetation as part of common area.

The applicant's representative spoke. He presented a map that showed similar surrounding zoning as requested for the subject property. He stated that both the Commission and the Board of Supervisors both recently approved a plan amendment for the site and that the proposed rezoning is also in line with the Pima Prospers plan update that designates the site as Medium Low Intensity Urban. He noted that the existing Briar Rose Lane access to the site was created for the future development of the site. He showed that the Regulated Riparian Area, which is also Conservation Lands System (CLS) Important Riparian Area, will be set-aside in common area. He stated that off-site natural area set-aside will satisfy the rest of CLS policy. The proposed off-site area is within Cochise Canyon and is surrounded by Pima County holdings owned and managed for conservation – a better solution than on-site set-aside. He also said that the rezoning is not speculative and that Richmond American is under agreement to construct homes with the proposed site plan designed for their products. He noted reaching out to homeowners associations and affected lot owners regarding lots he proposes to be restricted to one-story homes including proposed Lots 1, 3, 5, 7, 15, and 16. He agreed with the staff report and recommendations for approval with conditions as stated including additional conditions list that the Coalition also supports.

A commissioner asked about the adjacent well site. The applicant's representative indicated that it is owned by the City of Tucson.

A commissioner asked if any neighbors to the east commented. The applicant's representative indicated the proposed development will be sensitive with respect to two-story development along the east boundary by limiting it to select lots. The neighborhood to the east has two-story homes.

The commissioner asked about compatibility regarding smaller proposed lots adjacent to larger existing lots. The applicant's representative indicated that the density of the proposed development is in the middle of the average of the surrounding developments.

Speaker #1 stated that she represented the Coalition for Sonoran Desert Protection. She advocated for off-site natural open space set-aside mitigation as appropriate and requested the inclusion of additional conditions (#'s 14-16) as shown. She noted that the site is a Habitat Protection Priority and that some (excess) vegetation would be salvaged.

Speaker #2, who stated living to the west, spoke in opposition citing concern with traffic safety relative to cars backing up at the local elementary school.

Speaker #3 spoke in opposition citing concerns with compatibility, building heights, roadway burdens, drainage, and lack of communication.

Speaker #4, who stated living in Huntington Ridge and being a member of the Marana Unified School District Board, spoke in opposition citing concern with the Ironwood Elementary School capacity and the potential need to redraw the school attendance boundary in light of apartment development at Shannon and Cortaro roads. The speaker also was concerned with traffic safety and was concerned that apartments could be developed under the proposed CR4 zoning.

Speaker #5 spoke in opposition noting past request denials and stating that the same conditions exist today. The speaker stated concerns with school capacity, capacity of Thornydale Road, neighborhood traffic, potential for apartments, substandard neighborhood road curbs, looming water shortages, the sensitivity of the natural area of the site, potential for two-story development, and too much density.

Speaker #6, who stated living to the north, spoke in opposition citing concerns with disturbing the wildlife corridor through the site to Arthur Pack Park, drainage, proposed smaller lots than exist in the area, two-story construction's effect on privacy and views, and diminished property values. The speaker asked for a one-story limit.

Speaker #7 presented a petition letter in opposition from the Huntington Ridge HOA. Concerns stated include lack of area infrastructure, inconsistent development effect on property values, and traffic safety.

Speaker #8, who stated living to the west, spoke in opposition citing concerns with potential for apartments in CR-4, building heights in close proximity, wash capacity, and property values.

Speaker #9, who stated being the Linda Vista Ridge HOA president, indicated that the wash along the north and northwest boundary is half owned by the Linda Vista Ridge HOA and is maintained by the HOA. The speaker stated concern with the new HOA's ability to maintain their half of the wash since they start with no money.

In response to some of the speaker comments, staff stated that the rezoning must adhere to the proposal for 34 single-family residences as per condition (#10), that the neighborhood traffic issue is a function of drop-offs and pick-ups that the neighbors should work with the school to resolve, that the school district administration indicated that the schools have adequate capacity to meet extra demands, and that the existing code for two-story construction is designed to protect existing one-story development through additional setbacks.

A commissioner stated that the proposed plan appears to be denser with smaller lots than surrounding development. Staff indicated the density applies to the entire site and is within the range of surrounding developments.

A commissioner asked why there was not a condition pertaining to school drop-offs. Staff indicated that this was an existing problem and that the subject site is close enough for kids to walk or bike to school. It's up to the school district to resolve, but staff has provided past assistance to schools in this regard.

A commissioner asked if all lots other than cited for one-story development would be two stories. Staff indicated that there is typically a mix based on buyer preference.

A commissioner asked if existing area subdivisions were developed prior to the Conservation Lands System. Staff indicated that they were and also stated that the site has limited connectivity value and had the lowest acquisition priority of properties identified in the Arthur Pack area. The site identified for mitigation has much greater value.

A commissioner asked about the drainage concerns. Staff indicated that it is too early in the process for detail, but that the developer will hold the maintenance purse until enough lots are sold.

The applicant's representative showed an exhibit which depicted an alternative access to the elementary school that did not cut through the neighborhood. He noted that he met with the school principal who was interested in access options. He noted that traffic counts taken and presented to the Transportation Department were found to be within residential street capacity. He also stated that all riparian area will be protected and that there will be no more post-development discharge

than pre-development. There will be a need for an agreement for wash maintenance. He said that two-story development is sought as an option, but not all lots will contain two-story homes. There is a substantial setback to the north – northwest with the wash and common area.

A commissioner asked about the drainage concern on private property cited by an earlier speaker. The representative indicated that all drainage will be contained within drainageways and will not go onto private property.

In response to another commissioner's question, the representative indicated that the wash is mostly natural and will require low maintenance and it will not be altered for the proposed development. The Native Plant Preservation Plan will demonstrate planting in the proposed adjacent common area. The developer will work with a landscape architect and where close to existing grade, saguaros and ironwoods will try to be left in place or will otherwise be transplanted.

A commissioner noted that single-family residences consume more water and energy and that developers should offer homes with solar panels and water harvesting before the County requires it. The representative indicated that the preliminary water plan notes water conservation through the County Green Building Program.

The public hearing was closed.

Commissioner Neeley made a motion to **APPROVE** the rezoning with conditions as presented including the three additional conditions (#'s 14 - 16).

Commissioner Johns gave second to the motion.

A commissioner noted that the Marana School District reported no problems with the rezoning and that neighbors need to work with the District, the Transportation Department, and the Sheriff to resolve traffic problems. He also noted that the project has "greeness" and is supported by the Coalition.

The commission voted to **APPROVE** the rezoning (7 – 0, Commissioners Matter, Bain, and Cook were absent) with the following conditions:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Transportation conditions:
 - A. The property shall be served by one access point built at Briar Rose Lane as shown on the preliminary development plan.
 - B. Briar Rose Lane shall be constructed to Pima County Standards and shall match the existing right-of-way in the adjoining subdivision.

7. Flood Control conditions:
 - A. Native riparian vegetation shall be used to enhance drainage improvements.
 - B. First flush retention (retention of the first ½ inch of rainfall) shall be provided.
 - C. Post development floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
8. Wastewater Reclamation conditions:
 - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing, and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner/developer shall fund, design, and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
9. Environmental Planning conditions:
 - A. Native vegetation (riparian and upland species) shall be used to enhance natural open space areas and other common areas as shown on the preliminary development plan.
 - B. Prior to the approval of the final plat, the property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 5.3 acres as Natural Open Space at an off-site location which fulfills the following criteria and is approved by Pima County Planning Director or their designee:
 - 1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel;

- 2) Using the following criteria, the off-site mitigation property shall provide at least the same resource value as the rezoned parcel:
 - a. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
 - b. Vegetation community type (s);
 - c. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
 - d. Surface water or unique landforms such as rock outcrops;
 - e. Contribution to landscape connectivity; and
- 3) Provision of evidence that the site shall remain in an undeveloped natural state.
- C. Upon the effective date of the ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control

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

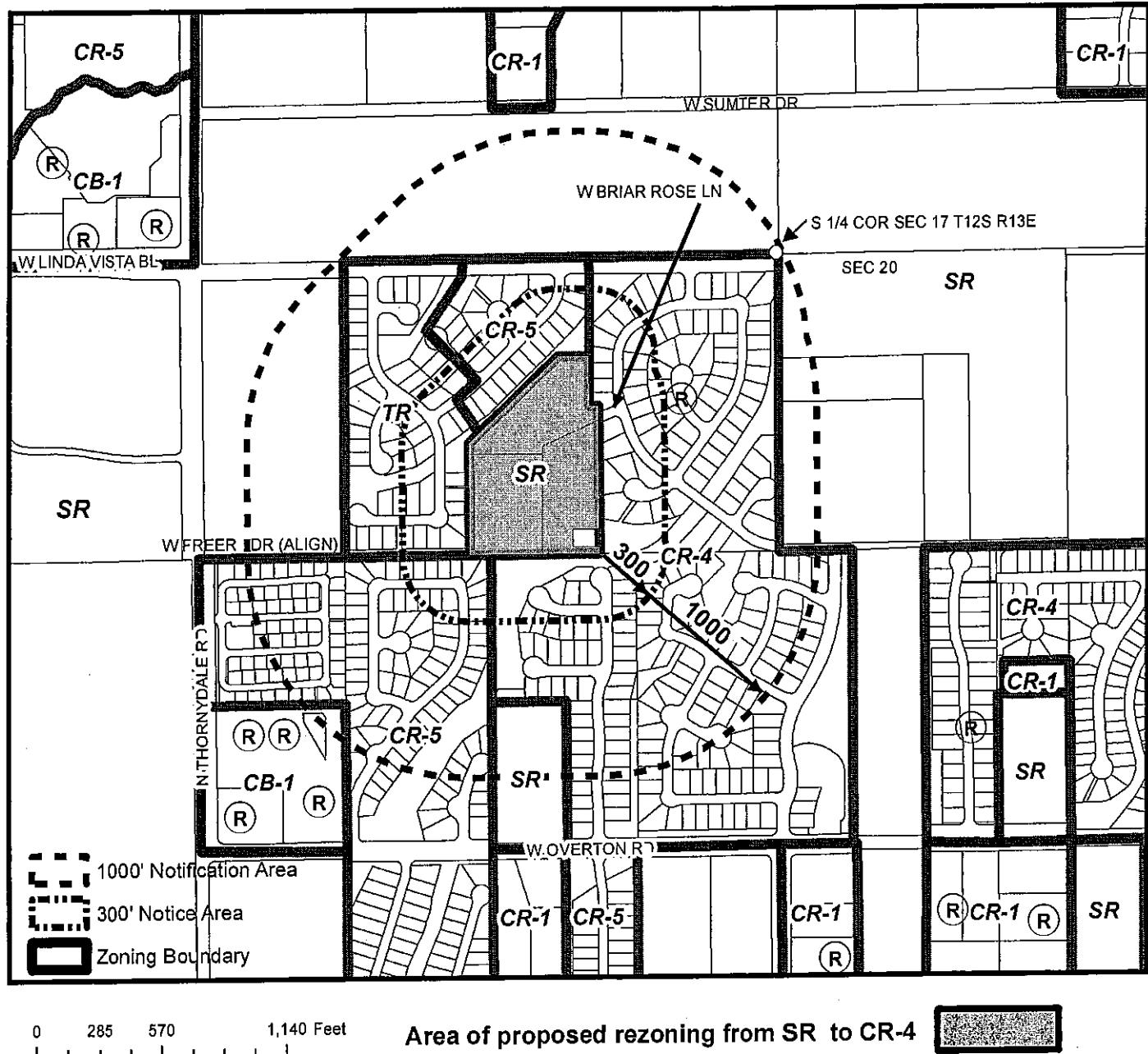
10. Adherence to the preliminary development plan as approved at public hearing.

11. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
13. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
14. All saguaros 14 feet in height or less and all ironwood trees meeting the transplanting criteria of the Zoning Code Chapter 18.72 Native Plant Preservation Ordinance and the Native Plant Preservation Manual shall be preserved in place or salvaged and transplanted on-site where practicable. For saguaros and ironwood trees that cannot be transplanted on-site, at the time of grading the property owner/developer shall move and plant a maximum of 10 saguaros and move 10 ironwood trees to Arthur Pack Regional Park or some other location within close proximity (no greater than 1.5 miles) of the subject property as approved by Pima County. Pima County will consult with the property owner/developer and the Coalition for Sonoran Desert Protection on the determination of the location of the off-site movement of saguaros and ironwood trees. Off-site movements of saguaros and ironwood trees shall not occur prior to approval of the Native Plant Preservation Plan.
15. The property owner/developer shall move a maximum of 10 palo verde trees at the time of grading to Arthur Pack Regional Park or some other location within close proximity (no greater than 1.5 miles) of the subject property as approved by Pima County. Pima County will consult with the property owner/developer and the Coalition for Sonoran Desert Protection on the determination of the location of the off-site palo verde tree movements. Off-site movements of palo verde trees shall not occur prior to approval of the Native Plant Preservation Plan.
16. Prior to grading of the site, the property owner/developer shall provide written notification to and sufficient time for Tucson Audubon Society and Tucson Cactus and Succulent Society to salvage vegetation on-site that is not identified for preservation or transplanting on the Native Plant Preservation Plan. Pima County shall be copied on the written notification(s).

AC/DP/ar
Attachments

c: PRF3, LLC, 5760 E. Territory Avenue, Tucson, AZ 85750-1801
MJM Consulting, Inc., Attn: Michael Marks, AICP, 7002 E. 4th Street, Tucson, AZ 85710
Chris Poirier, Assistant Planning Director
Co9-15-02 File

Case #: Co9-15-002
 Case Name: PRF3 LLC - W. BRIAR ROSE LANE REZONING
 Tax Code(s): 225-02-004V, 225-02-004Q, 225-02-004P



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN (CO7-14-01)

Planning & Zoning Hearing: 07/29/15 (scheduled) Board of Supervisors Hearing: 09/15/15 (scheduled)

Base Map(s): 161

Map Scale: 1:8,000

Map Date: 05/18/2015



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

HEARING July 29, 2015

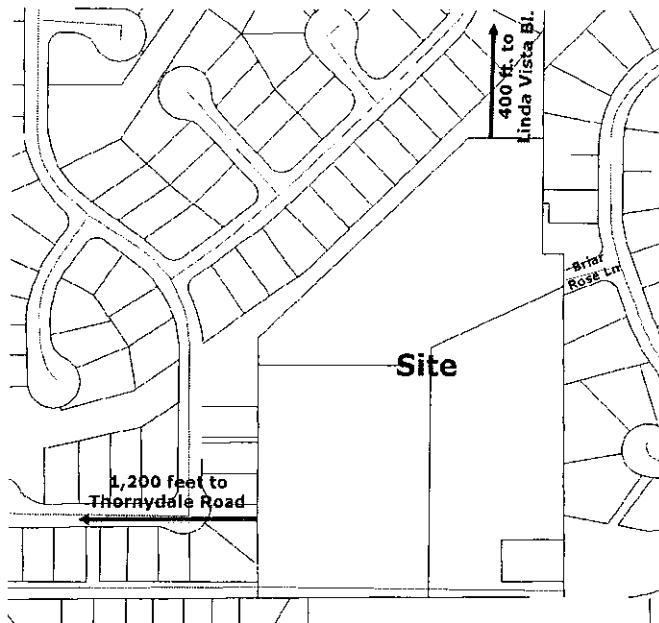
DISTRICT 1

CASE Co9-15-02 PRF3, LLC –
Briar Rose Lane Rezoning

REQUEST Rezone from SR
(Suburban Ranch) to CR-4
(Mixed Dwelling Type)
(9.79 acres)

OWNER PRF3, LLC
5760 E. Territory Avenue
Tucson, AZ 85750-1801

APPLICANT MJM Consulting, Inc.
Attn: Michael Marks, AICP
7002 E. 4th Street
Tucson, AZ 85710



APPLICANT'S PROPOSED USE

"The property is to be subdivided into 34 lots for residential development."

APPLICANT'S STATED REASON

"This planned development is the same as that on nearly all of the property within a one-quarter mile radius."

COMPREHENSIVE PLAN DESIGNATION

In 2014, a plan amendment from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) was approved for the majority of the site under case Co7-14-01. The more recently approved Pima Prospers Comprehensive Plan Update further amended the plan designations of the site from MIU and Resource Transition (RT) to the new designation of Medium Low Intensity Urban (MLIU). As of this writing, the Plan Update is not yet effective, but likely will be before the Board of Supervisors hears this rezoning request. The requested CR-4 zone and proposed density of 3.47 residences per acre (RAC) conform to both the current MIU and the approved MLIU plan designations. Descriptions for both MIU and MLIU are attached.

Current MIU allows a maximum density of 10 RAC. The objective of MIU is to provide opportunity for a variety of residential types, including cluster developments and single family attached dwellings with special attention given in site design to assure that uses are compatible with adjacent lower density residential uses.

Approved MLIU requires a minimum of 2.5 RAC and allows a maximum of 5.0 RAC. The objective of MLIU is designate areas for a mix of medium density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels with special attention given in site design to assure that uses are compatible with adjacent lower density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

A small portion of the site (.07 acres) remains designated as Resource Transition (RT). This portion is floodplain and is not proposed for development but is contained within an existing graded utility easement that serves water and sewer. The RT will transition to MLIU when the Plan Update becomes effective.

The Co7-14-01 plan amendment was approved with Rezoning Policies listed in the attached Resolution 2015-27. The policies address requirements for vegetative enhancement of drainage improvements and for off-site mitigation pertaining to the site's location within the Maeveen Marie Behan Conservation Lands System.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-5 (Multiple Residence)	Wash/Residential Subdivision
South:	CR-4	Wash/Residential Subdivision
East:	CR-4	Residential Subdivision
West:	TR (Transitional)	Residential Subdivision

PREVIOUS REZONING CASES ON PROPERTY

The site has been part of three prior rezoning requests. The first, Co9-61-73, for CR-3 (Single Residence), CR-5, TR and CB-1 (Local Business) was closed with no action. The second, Co9-83-104, for CMH-2 (County Manufactured and Mobile Home) was withdrawn. The third, Co9-83-130, for CR-5 and TR was conditionally approved in 1983 for 40 acres of residential development and resulted in the developed CR-5 and TR-zoned plats adjacent to the north and west of the subject property. The subject site (the remaining 10 acres) was rezoned to CR-5 as part of that case but was not platted before the fourth expiration date. A rezoning time extension request for the site was denied by the Board of Supervisors on March 3, 1998 which closed the case.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

None

Past activity:

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original SR. An attached map shows properties (in blue) within approximately one-half mile of the site for which rezoning requests have been made from 1961 to 2006. Most rezonings were approved. Some were withdrawn or denied.

Areas adjacent to and near the site were rezoned in the 1980's and early 1990's to CR-4, CR-5, and TR with resultant single-family subdivision lot development despite some instances of original rezoning approvals for attached townhome and condominium style development. There has also been a number of lower density CR-1 (Single Residence) rezonings in the general area as shown by acre-sized parcels.

Rezonings resulting in commercial service and apartment development have also occurred, including a shopping center and apartments at and near the northwest corner of Thornydale Road and Linda Vista Boulevard and retail and other commercial buildings at the northeast corner of Thornydale Road and Overton Road.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL with conditions**. The applicant proposes a CR-4 (Mixed-Dwelling Type) rezoning of a 9.79-acre partially disturbed vacant infill site east of Thornydale Road and south of Linda Vista Boulevard. The proposed development consists of 34 detached single-family residences within a subdivision plat representing 3.47 residences per acre (RAC), consistent with surrounding development and the MLIU comprehensive plan category.

Thornydale Road north of Cortaro Farms Road is currently operating over capacity, but this segment is scheduled for capacity improvements in 2018. Concurrency of infrastructure is otherwise fully met.

The site is located within the Maeveen Marie Behan Conservation Lands System (CLS); Important Riparian Area, Multiple Use Management Area, and Special Species Management Area are designations that apply to the site. Based on the property's site-specific conservation values as noted by the Environmental Planning Report on pages 7-8 below, staff recommends conditions under #9, which include a requirement for a minimum of 5.3 acres of natural open space set-aside at an off-site location, to achieve compliance with CLS Conservation Guidelines and specific Comprehensive Plan Rezoning Policies "B", "C", and "D" approved for the site in 2014 (Co7-14-01). The applicant proposes to set-aside 27 acres of natural open space at an off-site location. Staff has no objection to this proposal as it exceeds staff's recommended 5.3-acre minimum. The applicant also indicates potential for provision of vegetation enhancements within Arthur Pack Regional Park.

The applicant further indicates intent to satisfy the Rezoning Policy "A" which requires native riparian vegetation to be used to enhance drainage improvements by stating that the large common area along the north boundary (which is the Regulated Riparian area associated with the existing drainageway shown on the preliminary development plan) will be enhanced with transplanted specimens from the site. Staff recommends condition #7A to achieve compliance with the Rezoning Policy.

Planning Analysis

Staff supports the request because the proposed detached residential development represents compatible infill with surrounding detached residential development and concurrency of infrastructure exists or is scheduled to serve the proposed higher density

use. There are commercial services, a regional park, and public schools (elementary and high school) within a quarter mile. However, nearby employment locations are limited in this suburban area; and the only public transit available is a limited service Sun Tran shuttle route along Thornydale Road.

The proposed 3.47 RAC density is within the 2.5 to 5.0 RAC range required for the new Medium Low Intensity Urban (MLIU) plan designation approved for the site. The current SR zoning, which provides a maximum residential density of 0.3 RAC (3.3 acres per residence), does not allow sufficient density to conform to the MLIU designation and thus provides for inefficient residential land use given higher surrounding densities, available infrastructure including water service, and nearby public schools with excess capacity, commercial services, and recreational amenities.

Maximum building heights of 34 feet and two stories are proposed. The CR-4 maximum building height is 34 feet. Some two-story homes exist adjacent to the south and east of the site as shown on Exhibit II-B.1k on page 32 of the site analysis. The existing drainageway and proposed vegetated Regulated Riparian common area will serve to buffer any two-story homes from existing one-story homes to the northwest of the site. The 30-foot easement at the south site boundary will serve as a buffer in addition to common area within the subdivision to the south, except at the southwest corner where a different subdivision exists, but with two-story homes. Any two-story homes proposed on the two lots shown at the west boundary of the site will be subject to Zoning Code section 18.09.110 Two-story Residential Buffer Setback. The provision requires a 60-foot setback between proposed two-story development and existing one-story development's property line. The purpose of the setback is to reduce views into the side and rear yards of existing adjoining developments and to encourage less intrusive siting of two-story development in residential zones.

The site is relatively flat and consists of natural vegetation that has significant disturbance (more than 18 percent of the site per the biological investigation). Most of the site, excluding most of the Regulated Riparian area, will be graded. Of the 111 saguaros on the site, 22 will be preserved within the northerly Regulated Riparian area. A few others may be preserved in other proposed common areas and backyards of lots dependent on final grading. Required transplants will be accommodated within common areas that include detention basins. Similarly, of the 103 ironwood trees on the site, 26 will be preserved within northerly Regulated Riparian area, another 11 exist within other proposed common areas, and two others within the southern boundary easement. Those 11 ironwoods and some others within proposed lots may be preserved dependent on final grading. Required transplants will be accommodated within common areas that include detention basins. In addition to codified native plant preservation and mitigation requirements, the disturbance of what are significant numbers of these protected species will be further mitigated by the requirement for off-site natural open space set-aside of similarly valued desert habitat.

The referenced watercourse along the northwest boundary is associated with Pima County Regulated Riparian Habitat that is classified as Important Riparian Area and is 1.32 acres. The drainageway has partial erosion control improvements. The 1.62 acres of 100-year floodplain that is currently mapped by FEMA within the site along the southern boundary is

expected to be reduced to .07 acres based on hydraulic analyses. More information is provided in the Flood Control Report below.

Access is proposed from Briar Rose Lane, which is a stub road from a connecting residential street, Crestone Drive, within the subdivision to the east. Crestone Drive connects to Linda Vista Boulevard to the north and an elementary school to the east. The Briar Rose Lane stub road had been planned for access to the final CR-5 subdivision phase that was never platted with closure of the former Co9-83-130 rezoning case. More information is provided in the Transportation Report below.

Sewer connection will be made with the existing line within the Freer Drive utility easement at the south site boundary.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection. Minor Concurrency Concern with Thornydale Road.
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Tucson Water "will serve" letter in site analysis, subject to any needed facilities.
SCHOOLS	Yes	Per school capacity response email from Marana USD in site analysis.
AIR QUALITY	Yes	None

TRANSPORTATION REPORT

The Department of Transportation has no objection to the rezoning request. Concurrency considerations have been met, as the roads in the area are functioning below capacity or have capacity improvements scheduled for the near future. The property has direct access onto Crestone Drive via Briar Rose Lane which is a stubbed road that will be extended to serve the rezoning site. This stub road was constructed specifically for the purpose of providing access to this site. Linda Vista Boulevard, Thornydale Road, and Shannon Road are the nearest major streets.

Linda Vista Boulevard is shown as a medium volume arterial on the major streets and routes plan with a planned future right-of-way of 150 feet. It is not completely constructed and terminates about 400 feet east of this site. It is a two-lane road with dirt shoulders, no curbs, bike lanes, or sidewalks. The posted speed is 35 mph and the capacity is approximately 13,200 average daily trips (ADT). There are no current traffic counts for this segment of Linda Vista.

Thornydale Road is a medium volume arterial on the major streets and routes plan with 150 feet of planned future right-of-way. Some portions are built to the full right-of-way south of the rezoning site. The segment between Linda Vista and Overton is funded and scheduled for improvements including a four-lane cross section with raised median and paved shoulders. Post construction, the capacity will be approximately 34,000 ADT. The posted speed is 45 mph and the capacity is 16,700 ADT north of Cortaro Farms Road. The current traffic count is 18,193 ADT. Construction should commence in 2018.

Shannon Road is shown on the major streets and routes plan as a low volume arterial with a planned future right-of-way of 90 feet. It is a paved two-lane county maintained road with a posted speed of 40 mph. The capacity is 15,930 ADT and the most recent traffic count is 7,637 ADT.

The proposed development shows one access point at Briar Rose Lane which will service the 34 proposed lots. The new development could generate around 340 ADT. Sidewalks will be built on both sides of the street to connect into the existing sidewalks in the neighboring subdivision.

The Department of Transportation recommends conditions under #6 of the Standard and Special Conditions in this report.

FLOOD CONTROL REPORT

The Regional Flood Control District (District) has reviewed the subject request and has the following comments:

1. Two regulatory watercourses impact the site's edges.
2. On the north, there is Pima County Regulated Riparian Habitat (PCRRH) classified as Important Riparian Area (IRA) with an underlying designation of Xeroriparian C

associated with the wash. An off-site mitigation parcel has been identified and drainage improvements located on-site are to be enhanced per the recommended condition below.

3. In the south the FEMA floodplain is designated as Zone A, meaning it is an approximate boundary. The applicant has submitted a preliminary drainage report to the District indicating that the floodplain is smaller. While the District agrees with the conclusion of the report, the change is not effective until approved by FEMA. There is also IRA associated with this wash. However, due to prior disturbance, very little was mapped on-site.
4. A Preliminary Integrated Water Management Plan has been included as required and it does comply with the requirements.
5. As required by Resolution 2008-72, the following Water Resources Impact Assessment (WRIA) has been prepared:
 - a. The site is within the Tucson Water Company service area and the applicant has submitted a letter indicating service is available.
 - b. Per the ADWR Well Registry the on-site well had water at 375 feet when drilled in June of 2008. Per "Mason, Dale, 2014, Technical Memo to the Tucson Groundwater Users Advisory Committee, Modeling results of the 2010 Supply and Demand Assessment model projection, Arizona Department of Water Resources" between the years 2010 and 2025 groundwater depth is predicted to decline between 10 to 30 feet and be 404-650 feet below the surface by 2025. It should be noted that the scale and resolution of these maps makes accurate assessment difficult.
 - c. The site is within the area of one inch or less of subsidence as mapped by Pima County.
 - d. The nearest Groundwater-Dependent Ecosystem is the perennial section of the Santa Cruz River 3.29 miles away.
 - e. The site is within the Tucson Hydrogeological Basin, and the depth to bedrock is 1,600-3,200 feet.

The WRIA finds that the project is not expected to have adverse impacts.

In conclusion, because the floodplain is to be reduced and remaining floodplain and PCRRH is proposed to be avoided, we have no objection subject to conditions under #7 of the Standard and Special Conditions in this report.

WASTEWATER RECLAMATION REPORT

The Pima County Regional Wastewater Reclamation Department has no objection to the proposed rezoning request, subject to the rezoning conditions recommended under #8 of the Standard and Special Conditions in this report.

ENVIRONMENTAL PLANNING REPORT

Staff initially evaluated this subject property relative to the Conservation Lands System in 2005; results of that evaluation were included in a Staff Report to the Planning and Zoning Commission and are attached for your convenience.

With one notable exception – that no cactus ferruginous pygmy-owls have been detected in Northwest Tucson since 2006 - the facts of the case are remarkably unchanged since the property was first evaluated:

- the number of proposed lots (the proposal in 2005 was for 30-35 lots; the current proposal is for 34 lots);
- the property remains as an in-holding within an area developed at CR-4, CR-5, and TR densities;
- the nearest conservation open space property is Arthur Pack Regional Park (approx. 1/4 mile);
- the property is still eligible for acquisition under the County's Open Space Program and is designated as a Habitat Protection Priority;
- the property is not currently being considered nor is it being offered for acquisition as an open space property;
- the property's most significant biological assets are the saguaros, ironwoods and its limited contribution to promoting resource permeability and movement;
- the property lies within the Maeveen Marie Behan Conservation Lands System (CLS); areas within the property are identified as Important Riparian Area (IRA), Multiple Use Management Area, and Special Species Management Area;
- the CLS policy allows for the modification of CLS Conservation Guidelines when the proposed land use is consistent with the goals of the Sonoran Desert Conservation Plan, does not adversely impact the landscape integrity of the CLS, retains the ability for pollination and the movement of native fauna across and through the landscape, and protects, restores, enhances on-site conservation values.

The results of that initial 2005 evaluation are relevant and transferrable to this rezoning including the recommendation that relates to modifying the application of the CLS Conservation Guidelines and revegetating with native tree and shrub species. That recommendation called for achieving at least 40% conservation which converts to a ratio of 0.66 acres of mitigation for every 1 acre of development. Given that the rezoning applicant proposes to develop 7.97 acres, the minimum amount of acceptable mitigation for this proposed rezoning is approximately 5.3 acres. The applicant has indicated a preference for providing mitigation at an off-site location. Off-site mitigation must conform to Rezoning Policies B-D established with the approval of comprehensive plan amendment Co7-14-01.

Based on the foregoing, Office of Sustainability & Conservation-Environmental Planning recommends the Special Conditions under #9 of the Standard and Special Conditions in this report.

CULTURAL RESOURCES REPORT

The cultural resources Sections I-I and II-N of the site analysis are complete and the language is appropriate and acceptable. The site analysis report is approved with no further comments necessary.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

NRPR finds the site analysis complete.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

In the attached comment dated June 9, 2015, the USFWS reports no concerns related to the site and states:

"We have reviewed and support the rezoning conditions (policies) as outlined in the materials you provided. We support the proposed off-site mitigation lands and recognize the values associated with those mitigation lands. We also support the on-site riparian enhancement as proposed. The proposed rezoning conditions will reduce effects to and support conservation of lesser long-nosed bats and the cactus ferruginous pygmy-owl."

(A 2005 communication from the USFWS contained in the rezoning site analysis indicates an unlikelihood that a pygmy owl occupies or would occupy the site based on its "fragmented and isolated nature".)

TUCSON WATER REPORT

Tucson Water has no comment regarding the proposed rezoning for the three (3) parcels (225-02-004V, 225-02-004Q and 225-02-004P) which constitute the proposed Briar Rose Lane project, other than to state that once these three (3) parcels are combined the property will meet the Tucson Water Service Area Policy.

(A memo dated March 7, 2014 from Tucson Water contained in the rezoning site analysis indicates that it will provide water service to the project site.)

SCHOOL DISTRICT REPORT

Marana Unified School District did not respond to a staff request for comments pertaining to the rezoning.

(An April 8, 2015 email to the applicant from a Marana USD official indicates that the three schools that would serve the project site, "...are equipped and have the capacity to meet the needs of (the) proposed project.")

FIRE DISTRICT REPORT

Staff has not received a response to a request for comments from Mountain Vista Fire District.

PUBLIC COMMENT

As of the writing of this staff report, staff has received one letter (attached) in opposition. The letter cites concerns with increased traffic volume and safety problems, as well as concern for destruction of natural desert habitat.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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 the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Transportation conditions:
 - A. The property shall be served by one access point built at Briar Road Lane as shown on the preliminary development plan.
 - B. Briar Road Lane shall be constructed to Pima County Standards and shall match the existing right-of-way in the adjoining subdivision.
7. Flood Control conditions:
 - A. Native riparian vegetation shall be used to enhance drainage improvements.
 - B. First flush retention (retention of the first ½ inch of rainfall) shall be provided.
 - C. Post development floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
8. Wastewater Reclamation conditions:
 - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing, and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner/developer shall fund, design, and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the

time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

9. Environmental Planning conditions:

- A. Native vegetation (riparian and upland species) shall be used to enhance natural open space areas and other common areas as shown on the preliminary development plan.
- B. Prior to the approval of the final plat, the property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 5.3 acres as Natural Open Space at an off-site location which fulfills the following criteria and is approved by Pima County Planning Director or their designee:
 - 1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel;
 - 2) Using the following criteria, the off-site mitigation property shall provide at least the same resource value as the rezoned parcel:
 - a. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
 - b. Vegetation community type (s);
 - c. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
 - d. Surface water or unique landforms such as rock outcrops;
 - e. Contribution to landscape connectivity; and
 - 3) Provision of evidence that the site shall remain in an undeveloped natural state.
- C. Upon the effective date of the ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass

Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

10. Adherence to the preliminary development plan as approved at public hearing.

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

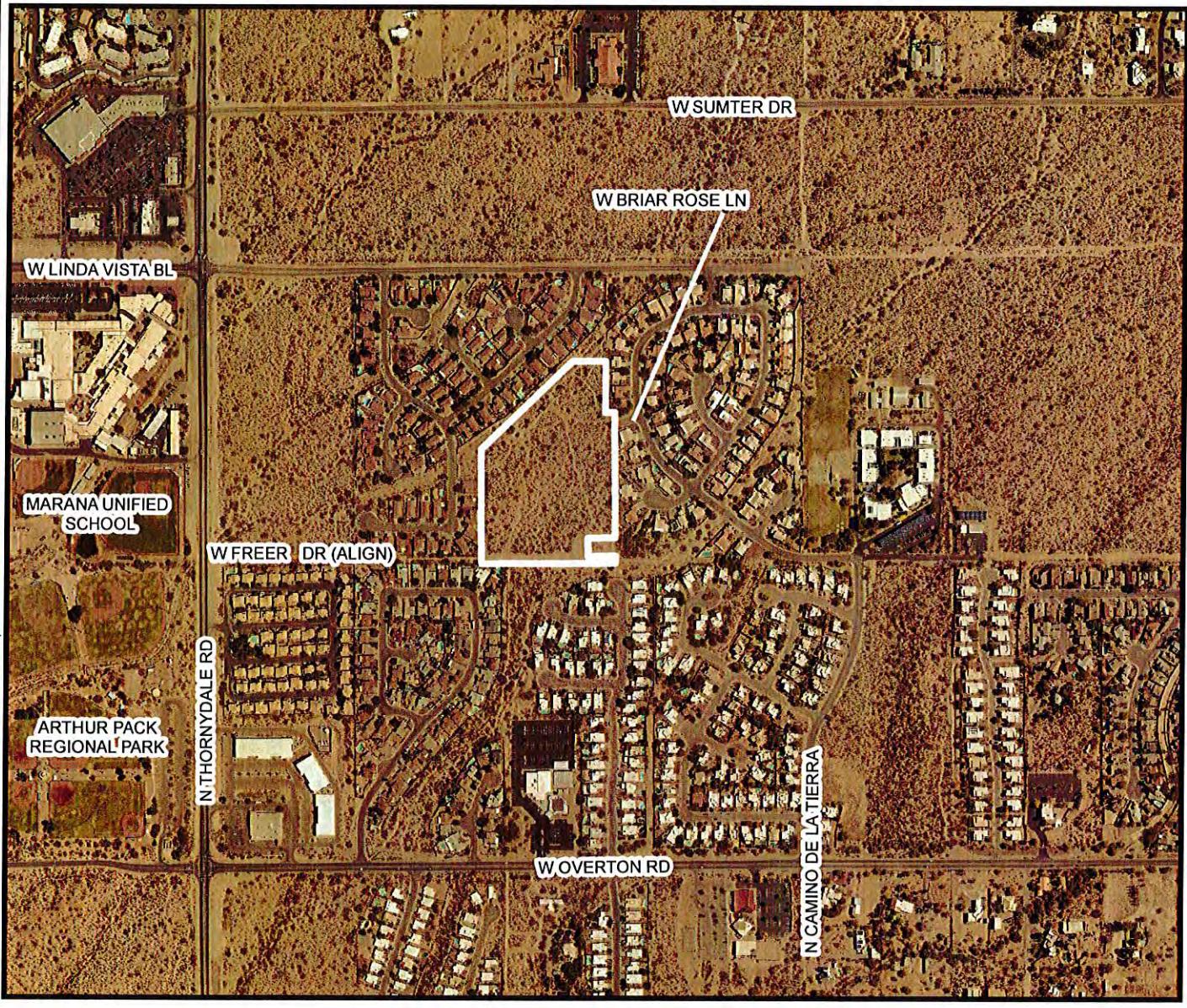
13. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

Respectfully Submitted,


 David Petersen, AICP
 Senior Planner

c: PRF3, LLC, 5760 E. Territory Avenue, Tucson, AZ 85750-1801
 MJM Consulting, Inc., Attn: Michael Marks, AICP, 7002 E. 4th Street, Tucson, AZ 85710

Case #: Co9-15-002
Case Name: PRF3 LLC - W. BRIAR ROSE LANE REZONING
Tax Code(s): 225-02-004V, 225-02-004Q, 225-02-004P



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN (CO7-14-01)

Base Map(s): 161

Map Scale: 1:8,000

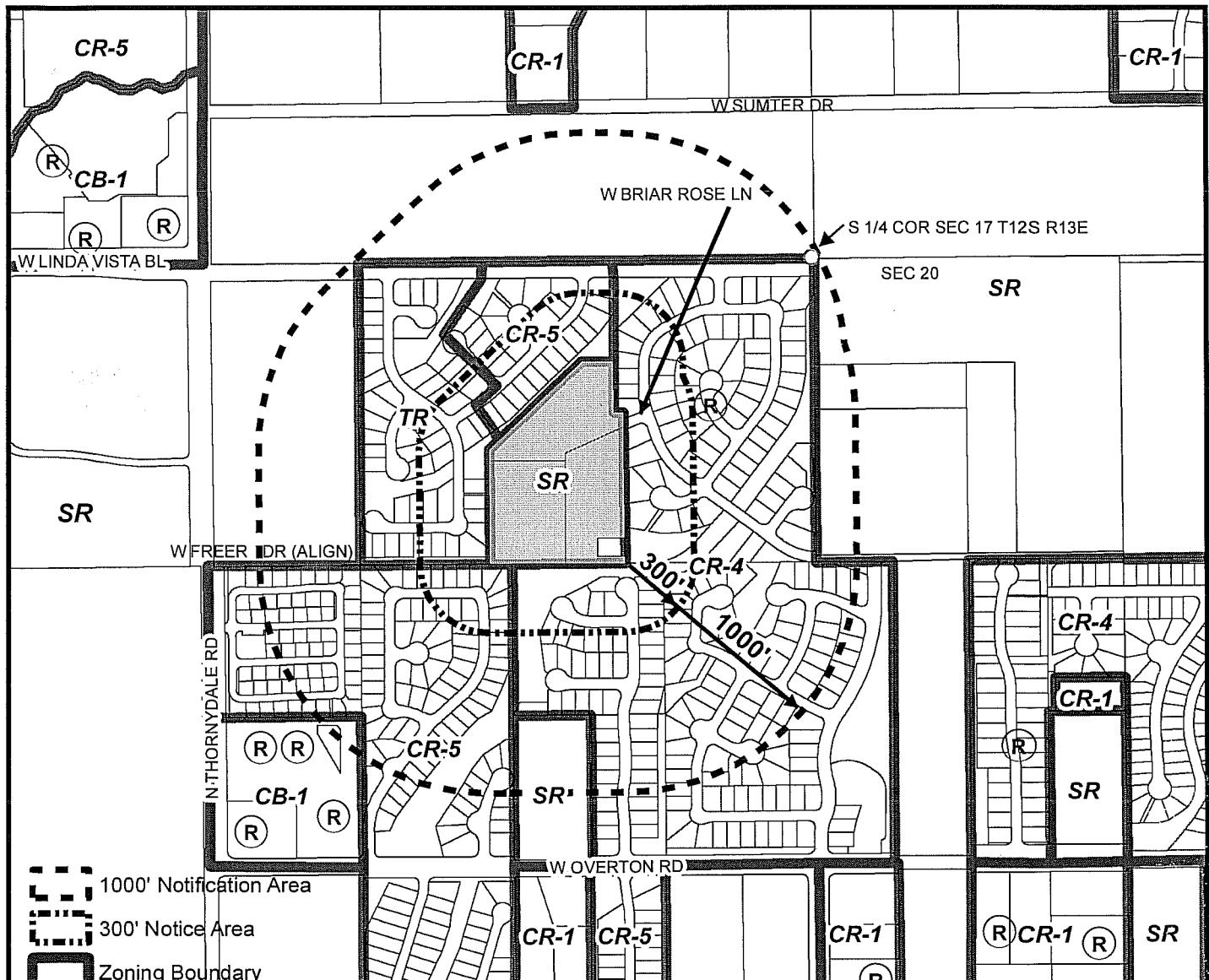
Map Date: 05/18/2015



Case #: Co9-15-002

Case Name: PRF3 LLC - W. BRIAR ROSE LANE REZONING

Tax Code(s): 225-02-004V, 225-02-004Q, 225-02-004P



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN (CO7-14-01)

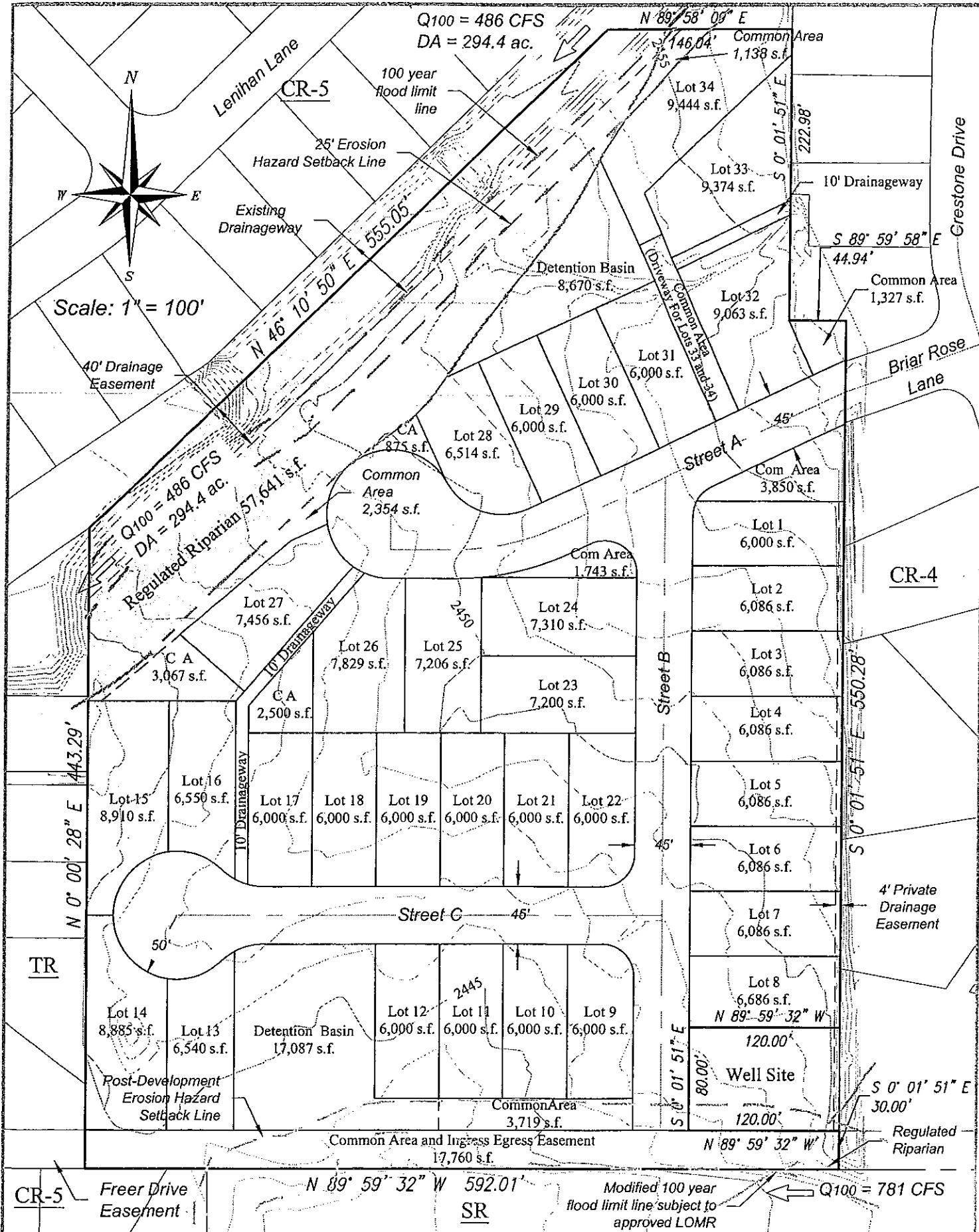
Planning & Zoning Hearing: 07/29/15 (scheduled) Board of Supervisors Hearing: 09/15/15 (scheduled)

Base Map(s): 161

Map Scale: 1:8,000

Map Date: 05/18/2015





MJM CONSULTING, INC.

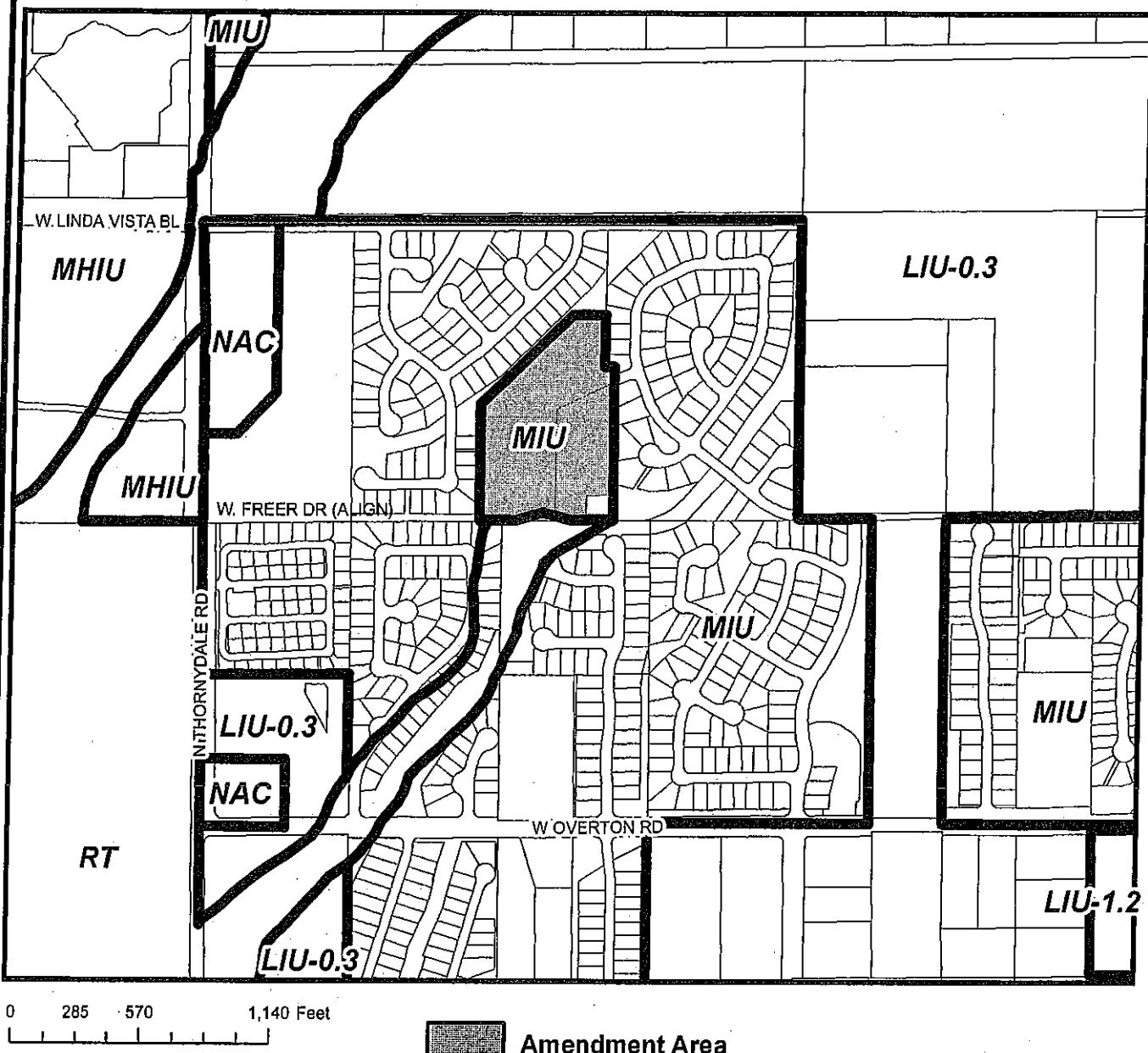
Land Planning and Development Services
7002 E. 4th Street Tucson, Arizona 85710 Phone: 520-885-5021

*PRF3 LLC- Briar Rose Lane
APN: 225-02-004P, 225-02-004Q, 225-02-004V
Section 20, Township 12 South, Range 13 S.
Pima County, Arizona*

*Exhibit II-B.1a
Preliminary
Development Plan*

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use Exhibit A



Co7-14-01 PRF 3, LLC - W. FREER DRIVE ALIGNMENT PLAN AMENDMENT

Taxcode:
225-02-004Q,
225-02-004P,
225-02-004V

Amend Planned Land Use From Low Intensity Urban 0.3 (LIU-0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) and Resource Transition (RT) 9.79 Acres +/-
Subject to Rezoning Policies (RP)

Location:
North side of W. Freer Drive alignment, approximately 1,200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard



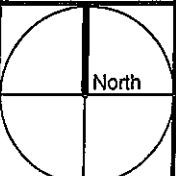
Northwest Subregion
Section 20, Township 12 South, Range 13 East

Planning and Zoning Commission Hearing: August 27, 2014

Map Scale: 1:8,000

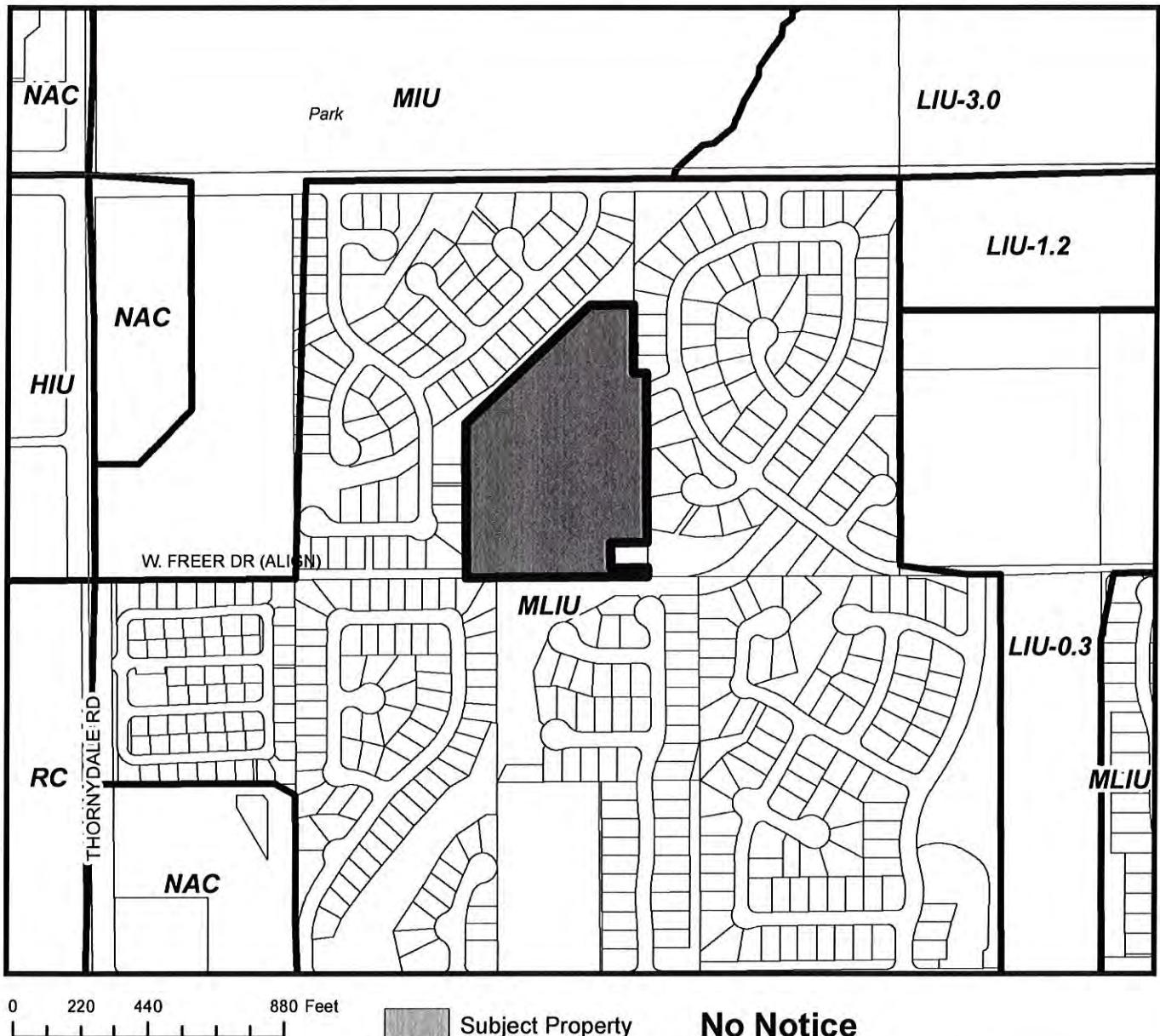
Board of Supervisors Hearing: October 21, 2014

Map Date: June 2, 2014



**Medium Intensity Urban
'MIU' or 'D' on the Land Use Plan Maps**

- a. **Purpose:** To designate areas for a mix of medium density housing types and other compatible uses.
- b. **Objective:** These areas provide an opportunity for a variety of residential types, including cluster option developments, and single family attached dwellings. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses.
- c. **Residential Gross Density:** Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
 - 1) Minimum - none
 - 2) Maximum - 10 RAC
- d. **Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's):** Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
 - 1) Minimum – 3 RAC
 - 2) Maximum – 5 RAC
- e. **Zoning Districts:** Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) GC Golf Course Zone
 - 2) CR-1 Single Residence Zone
 - 3) CR-2 Single Residence Zone
 - 4) CR-3 Single Residence Zone
 - 5) SH Suburban Homestead Zone
 - 6) CR-4 Mixed-Dwelling Type Zone
 - 7) CR-5 Multiple Residence Zone
 - 8) CMH-1 County Manufactured and Mobile Home-1 Zone
 - 9) CMH-2 County Manufactured and Mobile Home-2 Zone
 - 10) MR Major Resort Zone
 - 11) TR Transitional Zone



Taxcode(s): 225-02-004Q 225-02-004P	IR-08 PFR 3 LLC - W. FREER ROAD ALIGNMENT	District 1
	Medium Intensity Urban (MIU) to Medium Low Intensity Urban (MLIU) 9.71 Acres +/- (MIU established with Co7-14-01, approved 10/21/2014)	Location: East side of N. Thornydale Rd south of W. Linda Vista - W. Freer Dr align
Tortolita Planning Area Section 20, Township 12 South, Range 13 East		
Planning and Zoning Commission Hearing: March 25, 2015 & April 8, 2015		
PIMA COUNTY DEVELOPMENT SERVICES	Map Scale: 1:6,000	North
	Board of Supervisors Hearing: May 19, 2015	Map Date: 04/17/2015

Medium Low Intensity Urban (MLIU)

- a. Objective: To designate areas for a mix of medium density single-family and lower density attached dwelling units; to provide opportunities for a mix of housing types throughout the region.
- b. Residential Gross Density: Residential gross density shall conform to the following:
 - 1) Minimum – 2.5 RAC
 - 2) Maximum – 5 RAC
- c. 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.
 - 1) Minimum – 2.5 RAC
 - 2) Maximum – 4 RAC

F. ANN RODRIGUEZ, RECORDER
Recorded By: KMS

DEPUTY RECORDER
4935

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



SEQUENCE: 20151350885
NO. PAGES: 3
RES 05/15/2015
18:00
PICK UP
AMOUNT PAID: \$0.00

RESOLUTION 2015- 27

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY 9.79 ACRES, LOCATED ON THE NORTH SIDE OF THE W. FREER DRIVE ALIGNMENT, APPROXIMATELY 1,200 FEET EAST OF N. THORNYDALE ROAD AND 400 FEET SOUTH OF W. LINDA VISTA BOULEVARD, IN SECTION 20 OF TOWNSHIP 12 SOUTH, RANGE 13 EAST, IN THE NORTHWEST SUBREGION.

IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map, Northwest Subregion, is hereby amended to change the planned land use intensity category for approximately 9.79 acres, as referenced in Co7-14-01 PRF 3, LLC -- W. Freer Drive Alignment Plan Amendment, located on the north side of the W. Freer Drive alignment, approximately 1,200 feet west of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard, in Section 20, Township 12 South, Range 13 East, as shown on the map attached to this Resolution as Exhibit A and incorporated by this reference, from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) and Resource Transition (RT).

Section 2. The Pima County Comprehensive Plan Regional, Rezoning and Special Area Policies are hereby amended to include the subject site with the following Rezoning Policies:

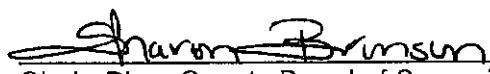
- A. Native riparian vegetation shall be used to enhance drainage improvements.
- B. The location of off-site mitigation properties should be within the same general geographic region of the original project site.
- C. Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:
 1. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations;
 2. Vegetation community type(s);
 3. Habitat values for applicable CLS Special Species (e.g. breeding and dispersal);
 4. Surface water or unique landforms such as rock outcrops; and
 5. Contribution to landscape connectivity.

D. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.

Section 3. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this Resolution.

Section 4. This Resolution shall become effective on the date of adoption.

Passed and adopted, this 12th day of May, 2015.


Sharon Brimley
Chair, Pima County Board of Supervisors MAY 12 2015

ATTEST:


Karen Brigode
Clerk of the Board

PIMA COUNTY

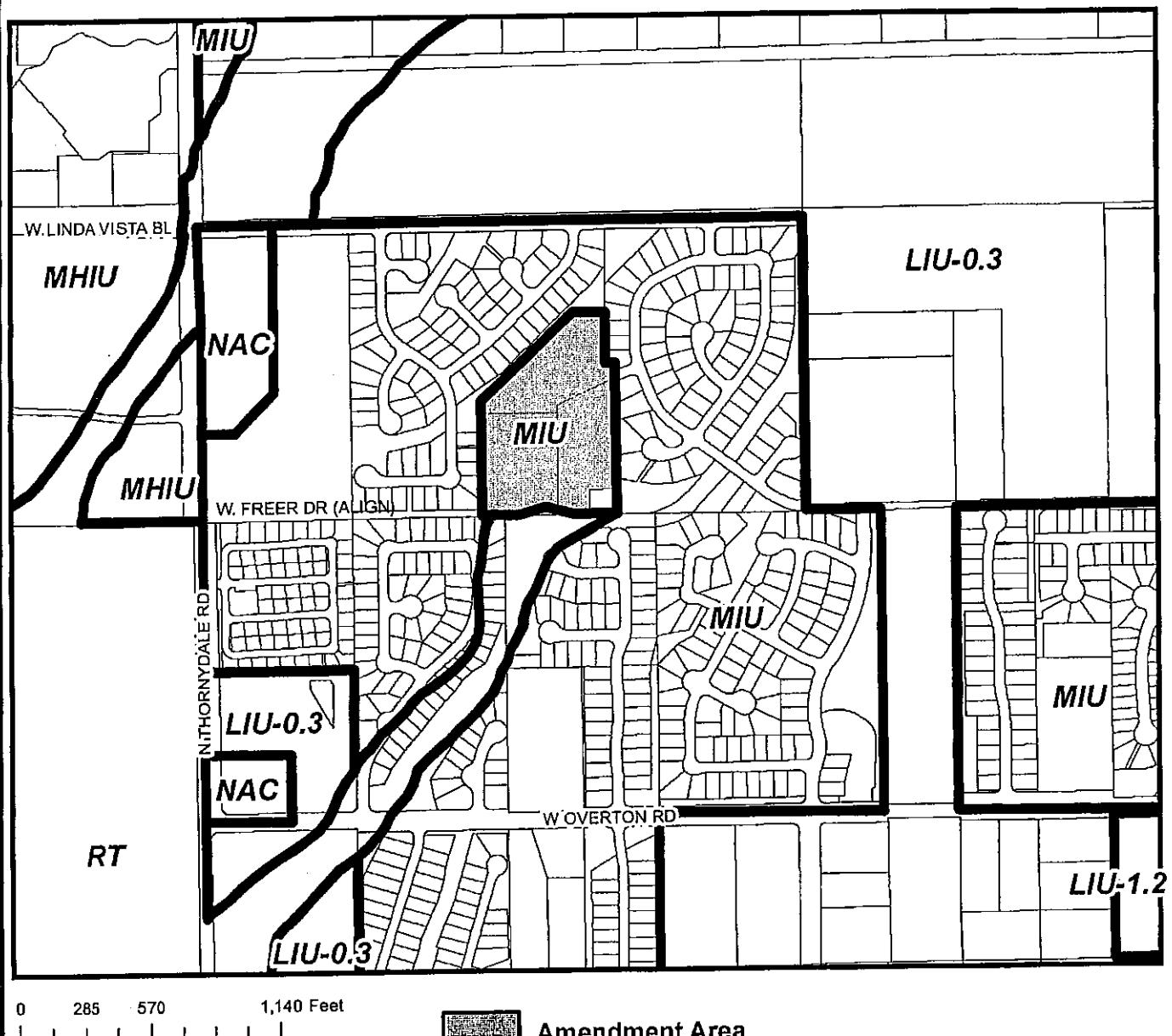
Karen Brigode
Executive Secretary
Planning and Zoning Commission

APPROVED AS TO FORM:


Michael LeBlanc
Deputy County Attorney
MICHAEL LEBLANC

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use Exhibit A



Taxcode: 225-02-004Q, 225-02-004P, 225-02-004V	<p>Co7-14-01 PRF 3, LLC - W. FREER DRIVE ALIGNMENT PLAN AMENDMENT</p> <p>Amend Planned Land Use From Low Intensity Urban 0.3 (LIU-0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) and Resource Transition (RT) 9.79 Acres +/- Subject to Rezoning Policies (RP)</p>	<p>Location: North side of W. Freer Drive alignment, approximately 1,200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard</p>
	Northwest Subregion Section 20, Township 12 South, Range 13 East	
	Planning and Zoning Commission Hearing: August 27, 2014	Map Scale: 1:8,000
	Board of Supervisors Hearing: October 21, 2014	Map Date: June 2, 2014



Memorandum

Date: May 28, 2015

To: David Petersen, Senior Planner – Development Services

From: Sherry Ruther, Environmental Planning Manager 

RE: Co9-15-02; PRF 3, LLC – W. Briar Rose Lane Rezoning

Staff initially evaluated this subject property relative to the Conservation Lands System in 2005; results of that evaluation were included in a Staff Report to the Planning and Zoning Commission and are attached for your convenience.

With one notable exception – that no cactus ferruginous pygmy-owls have been detected in Northwest Tucson since 2006 - the facts of the case are remarkably unchanged since the property was first evaluated:

- the number of proposed lots (the proposal in 2005 was for 30-35 lots; the current proposal is for 34 lots);
- the property remains as an in-holding within an area developed at CR-4, CR-5, and TR densities;
- the nearest conservation open space property is Arthur Pack Regional Park (approx. ½ mile);
- the property is still eligible for acquisition under the County's Open Space Program and is designated as a Habitat Protection Priority;
- the property is not currently being considered nor is it being offered for acquisition as an open space property;
- the property's most significant biological assets are the saguaros, ironwoods and its limited contribution to promoting resource permeability and movement;
- the property lies within the Maeveen Marie Behan Conservation Lands System (CLS); areas within the property are identified as Important Riparian Area (IRA), Multiple Use Management Area, and Special Species Management Area;
- the CLS policy allows for the modification of CLS Conservation Guidelines when the proposed land use is consistent with the goals of the Sonoran Desert Conservation Plan, does not adversely impact the landscape integrity of the CLS, retains the ability for pollination and the movement of native fauna across and through the landscape, and protects, restores, enhances on-site conservation values.

The results of that initial 2005 evaluation are relevant and transferrable to this rezoning including the recommendation that relates to modifying the application of the CLS Conservation Guidelines and revegetating with native tree and shrub species. That recommendation called for achieving at least 40% conservation which converts to a ratio of 0.66 acres of mitigation for every 1 acre of development. Given that the rezoning applicant proposes to develop 7.97 acres, the minimum

amount of acceptable mitigation for this proposed rezoning is approximately 5.3 acres. The applicant has indicated a preference for providing mitigation at an off-site location. Off-site mitigation must conform to Rezoning Policies B-D established with the approval of comprehensive plan amendment Co7-14-01.

Based on the foregoing, OSC-Environmental Planning recommends the following Special Conditions:

- Native vegetation (riparian and upland species) shall be used to enhance natural open space areas and other common areas as shown on the Preliminary Development Plan.
- Prior to the approval of the Final Plat, the property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 5.3 acres as Natural Open Space at an off-site location which fulfills the following criteria and is approved by Pima County Planning Director or their designee:
 - 1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel.
 - 2) Using the following criteria, the off-site mitigation property shall provide at least the same resource value as the rezoned parcel:
 - Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
 - Vegetation community type (s);
 - Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
 - Surface water or unique landforms such as rock outcrops;
 - Contribution to landscape connectivity; and
 - 3) Provision of evidence that the site shall remain in an undeveloped natural state.
- Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass

To: D. Petersen
Re: Co9-15-02; PRF 3, LLC – W. Briar Rose Lane
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<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

cc: Nicole Fyffe, Executive Assistant to the County Administrator
Linda Mayro, Director – Office of Sustainability and Conservation

EXCERPT FROM STAFF BY
TO P&Z COMMISSION AT
9/27/2005 PUBLIC HEARING

AGENCIES/DEPARTMENT COMMENTS

Environmental Planning:

Landscape Context. This approximately 10-acre amendment site lies within a Multiple Use Management Area, is traversed by areas designated as Important Riparian Area, and is part of a Special Species Management Area. The amendment site lies in an area that appears to be transitioning from low density residential uses (LIU 0.3, RT, SR) to higher density residential uses (MIU, CR-4, CR-5). This site lies approximately ¼ mile east of Arthur Pack Regional Park and the Mountain View High School. It is completely surrounded by and abuts properties developed as residential subdivisions at CR-4, CR-5, and TR.

Although the site is not within any of the six Critical Landscape Connections, it is within an area that the U.S. Fish and Wildlife Service believes is critically important dispersal habitat for the cactus ferruginous pygmy-owl (See following section for more detail). Additionally, the Critical Landscape Connection Subcommittee of the Science Technical Advisory Team (STAT) recommended this area to the northeast of Arthur Pack Regional Park as the third highest priority area for the expenditure of bond acquisition monies within the Tortolita Subarea. The Catalina/Oracle Highway Critical Landscape Connection is their top priority area for the expenditure of bond monies within the Tortolita Subarea.

According to the 2004 Conservation Bond, this site is identified as a potential acquisition property and is designated as a Habitat Protection Priority - High Priority Private Parcel. Staff previously informed the CAC that the owners of this parcel are seeking a comprehensive plan amendment (See attached memo dated August 17, 2005).

Species-Specific Resources. The site does not lie within the known range of the Pima pineapple cactus.

The amendment site is within the CFPO Survey Zone 1, Proposed Critical Habitat, and Draft Recovery Area. In their June 23, 2005 memo to the STAT (Attached), the U.S. Fish and Wildlife Service makes it clear that they believe northwest Tucson provides a crucial link between CFPO populations in the Altar Valley and Organ Pipe National Monument and Pinal County. They believe that retaining as much

of the existing natural open space in this area as possible is key to providing long-term CFPO conservation.

This amendment site is within 1-1/4 miles of four documented CFPO nest sites. The U.S. Fish & Wildlife Service believes that the value of this property to the CFPO in northwest Tucson is limited due to its being surrounded by higher density residential subdivisions. It's greatest value is as a dispersal corridor (personal communication with S. Richardson, U.S. Fish & Wildlife Service, August 18, 2005).

Conclusion/Recommendations. The amendment site is currently undeveloped. Development under the existing SR zoning would be expected to occur in a manner consistent with other nearby SR properties where the norm is one residence per 3.3 acres. It is well documented that such rural residential uses and densities are compatible with CFPO. It would continue to provide connectivity to and from other areas with suitable CFPO habitat. Development under the proposed up-planning portends that, for all intents and purposes, the site would be converted to residential uses and densities similar to those that exist on nearby properties. Such residential uses and densities are known to be incompatible with CFPO and connectivity to and from other areas with suitable CFPO habitat would be precluded.

Application of the CLS, as specified by the comprehensive plan, triggers an 80% set-aside due to the site's location within the Special Species Management Area and 95% set-aside of Important Riparian Areas. In this area, because the Special Species Management Area designation is associated with the CFPO, compliance with the 80% set-aside is to provide for the conservation, restoration, or enhancement of habitat for the CFPO. However, this policy also allows for the modification of the 80% set-aside provided that the proposed land use is consistent with the goals of the SDCP, does not adversely impact the landscape integrity of the CLS, retains the ability of native fauna and pollination of native flora to move through and across the landscape, and will protect or enhance on-site conservation values.

Given the amendment site's limited value to the CFPO and its role in the landscape, the facts of this case warrant a modified application of the CLS Conservation Guidelines. With adherence to the following, the proposed up-planning and subsequent rezonings can be expected to retain the value of this site to CFPO in northwest Tucson.

Special Area Policy Recommendation:

Exclusive of the RT designated area, at least forty percent of the remaining portion of the site shall be set-aside as natural open space. This natural open space will include a corridor of no less than 150 feet configured to parallel the west and northwest property boundaries. This corridor will be designed to maximize its value to the cactus ferruginous pygmy-owl; will be set aside as natural open space in common area ownership; and will be vegetatively enhanced with native tree and shrub species.

Flood Control District: The subject parcel includes FEMA Floodplain Zone A, "Special Studies Floodplains", and Important Riparian Areas associated with drainageways adjacent to the northwest property boundary and the southeast corner. The property is also within the Tortolita Fan Area Basin Plan and detention/retention requirements apply. There are no complaints on record affecting the property. During the rezoning and Subdivision Plat Review process the property owner(s) shall be required to submit to the Flood Control District a drainage study to determine floodplain delineations, erosion hazard setbacks, finished floor elevations, detention/retention requirements, and all weather access needs. A riparian habitat mitigation plan shall also be required.

Transportation: The property is located between Shannon Road and Thornydale Road, between Linda Vista Boulevard alignment and Overton Road. Access is via Briar Rose Lane, Crestone Drive, Highline Avenue and Camino de la Tierra, all of which are paved, two-lane, County maintained, local streets with existing 45 to 60 feet right-of-way. These interior streets connect with Linda Vista Road and Overton Road and the existing school. There are no available traffic counts for these interior subdivision streets; however, the existing traffic volume is low and the roadway capacity is approximately 5,000 ADT.

Linda Vista Boulevard is a paved, two lane, County maintained, urban collector that is designated a scenic major route per the Major Streets and Scenic Routes Plan. The traffic count for Linda Vista Boulevard is 10,300 ADT, west of Thornydale Road and the roadway capacity is approximately 15,000 ADT. No counts are available for the 0.5 mile segment east of Thornydale Road. Overton Road is a paved, two lane, County maintained, urban minor arterial that is not designated a major or scenic route. The traffic count for Overton Road is 8,000 ADT, between Thornydale Road and Shannon Road. No improvements are planned for Linda Vista Boulevard or Overton Road.

Shannon Road is a paved, two-lane, County maintained, urban minor arterial that is designated a scenic, major route per the Major Streets and Scenic Routes Plan. The most recent available traffic



TO: David Petersen, DSD
Senior Planner

DATE: June 10, 2015


Greg Saxe, Ph.D.
Env. Plg. Mgr

SUBJECT: Co9-15-02 West Briar Rose Lane – Rezoning

The Regional Flood Control District (District) has reviewed the subject request and has the following comments:

1. Two regulatory watercourses impact the site's edges.
2. On the north, there is Pima County Regulated Riparian Habitat (PCRRH) classified as Important Riparian Area (IRA) with an underlying designation of Xeroriparian C associated with the wash. An off-site mitigation parcel has been identified and drainage improvements located on-site are to be enhanced per the recommended policy below.
3. In the south the FEMA floodplain is designated as Zone A, meaning it is an approximate boundary. The applicant has submitted a preliminary drainage report to the District indicating that the floodplain is smaller. While the District agrees with the conclusion of the report, the change is not effective until approved by FEMA. There is also IRA associated with this wash however due to prior disturbance very little was mapped on-site.
4. A Preliminary Integrated Water Management Plan has been included as required and it does comply with the requirements.
5. As required by Resolution 2008-72, I have prepared the following Water Resources Impact Assessment (WRIA):
 - a. The site is within the Tucson Water Company service area and the applicant has submitted a letter indicating service is available.
 - b. Per the ADWR Well Registry the on-site well had water at 375 feet when drilled in June of 2008. Per "Mason, Dale, 2014, Technical memo to the Tucson Groundwater Users Advisory Committee, Modeling results of the 2010 Supply and Demand Assessment model projection, Arizona Department of Water Resources" between the years 2010 and 2025 groundwater depth is predicted to decline between 10 to 30 feet and be 404-650 feet below the surface by 2025. It should be noted that the scale and resolution of these maps makes accurate assessment difficult
 - c. The site is within the area of 1 inch or less of subsidence as mapped by Pima County.
 - d. The nearest Groundwater-Dependent Ecosystem is the perennial section of the Santa Cruz River 3.29 miles away.
 - e. The site is within the Tucson Hydrogeological Basin, and the depth to bedrock is 1600-3200 feet.

The WRIA finds that the project is not expected to have adverse impacts.

In conclusion because the floodplain is to be reduced and remaining floodplain and PCRRH to be avoided we have no objection subject to the following recommended policies.

- a. Native riparian vegetation shall be used to enhance drainage improvements.
- a. First flush retention (retention of the first 1/2 inch of rainfall) shall be provided.
- b. Post development floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.

If you have any questions about these comments, please contact our office at 724-4600.



MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

DATE: June 9, 2015

TO: United States Fish and Wildlife Service
201 N. Bonita Ave., Suite 141
Tucson, AZ 85745

FROM: David Peterson, Senior Planner

SUBJECT: Rezoning request for your review and comments
Case: Co9-15-02 PRF 3, LLC – W. Briar Rose Lane Rezoning

USFWS

Reviewer: Scott Richardson
Address: 201 N. Bonita Ave., Suite 141 Tucson, AZ 85745
Phone: (520) 670-6144 x 242
E-mail: scott_Richardson@fws.gov

No Concerns relating to the subject property
 Yes Concerns relating to the subject property

Description of species impacted, concerns and suggested mitigation measures:

We have reviewed and support the rezoning conditions as outlined in the materials you provided. We support the proposed off-site mitigation lands and recognize the values associated with those mitigation lands. We also support the on-site riparian enhancement as proposed. The proposed rezoning conditions will reduce effects to and support conservation of lesser long-nosed bats and the cactus ferruginous pygmy-owl.