




DATE: February 13, 2014

TO: Honorable Chairman and Members of the Board of Supervisors

FROM: Arlan Colton, Planning Director 

SUBJECT: Comprehensive Plan Amendments Continued to February 18, 2014:
Co7-13-03 Lawrence C. Leung, Inc. – N. Thornydale Road Plan Amendment;
Co7-13-04 Pacific International Properties, LLP – N. Thornydale Road Plan Amendment;
Co7-13-05 Mandarin Associates – N. Thornydale Road Plan Amendment;
Co7-13-06 Hardy-Thornydale I Associates, et al. – W. Hardy Road Plan Amendment

On November 19, 2013, the Board continued the above-referenced comprehensive plan amendment requests to January 21, 2014 and again to February 18, 2014, in part to allow discussions between the Coalition for Sonoran Desert Protection (Coalition) and the property owners (applicant). During this time period, the applicant, the Coalition, and staff have reached agreement that future development will comply with the full measure of the Special Species Management Areas conservation objectives by providing natural open space set-asides on-site within a given amendment area or as a combination of on-site and off-site areas. If the Board is inclined to approve any or all of the four comprehensive plan amendments, staff recommends incorporating the following additional Rezoning Policies (one for each individual case) to ensure compliance with the Maeveen Marie Behan Conservation Lands System (CLS) in the manner agreed to by the applicant, the Coalition, and staff.

The applicant has provided a framework plan for each plan amendment site that generally identifies the natural open space set-asides in addition to showing riparian areas to be conserved. The additional set-asides are conceptually shown mostly in the form of buffers to neighboring residential properties varying from 50 to 150 feet in width for cases Co7-13-03, 05, and 06. The set-aside concept for Co7-13-04 (the site south of the Audubon Society property) preserves all but eight acres of the 54.95-acre site which exceeds the set-aside area originally envisioned in the memo from the County Administrator dated August 27, 2013. (The applicant mailed invitations to property owners in the vicinity of each plan amendment site to discuss the amendment requests and to solicit input on set-aside buffers. See attached meeting sign-in sheets.)

Where the full conservation measure is not met on-site, the applicant will provide additional off-site conservation on a 4:1 basis consistent with the existing Comprehensive Plan Environmental Element Regional Plan policy. Based on this existing policy, staff recommends the following additional Rezoning Policy for each plan amendment site, which also provides the approximate minimum total natural open space set-aside required for each site, as well as the approximate minimum on-site and off-site set-aside required based on the framework plan concepts:

Co9-13-03 (southeast corner of Thornydale Road and Linda Vista Boulevard)

In addition to Rezoning Policies 1–3 outlined on pages 2 and 3 of the Planning and Zoning Commission Staff Report (hearing date September 25, 2013), staff recommends the following Rezoning Policy:

4. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
 - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
 - the site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site set-asides;
 - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
 - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
 - the approximate minimum total natural open space (NOS) set-aside is 33 acres, the approximate minimum on-site NOS set-aside is 9 acres, and the approximate minimum off-site NOS set-aside is 24 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Co9-13-04 (northwest corner of Thornydale Road and Cortaro Farms Road)

In addition to the single Rezoning Policy outlined on page 2 of the Planning and Zoning Commission Staff Report (hearing date September 25, 2013), staff recommends the following Rezoning Policy:

2. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:

- natural open space set-asides will be provided entirely within the amendment area;
- the site areas of plan amendment cases Co7-13-03, 05, and 06 are not eligible to serve as off-site set-asides;
- off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
- the approximate minimum total natural open space (NOS) set-aside is 46 acres, the approximate minimum on-site NOS set-aside is 46 acres, and the approximate minimum off-site NOS set-aside is 0 acres.

Co9-13-05 (northwest corner of Thornydale Road and Magee Road)

In addition to Rezoning Policies 1 and 2 outlined on page 2 of the Planning and Zoning Commission Staff Report (hearing date September 25, 2013), staff recommends the following Rezoning Policy:

3. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:

- natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
- the site areas of plan amendment cases Co7-13-03, 04, and 06 are not eligible to serve as off-site set-asides;
- off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
- off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
- the approximate minimum total natural open space (NOS) set-aside is 38 acres, the approximate minimum on-site NOS set-aside is 7 acres, and the approximate minimum off-site NOS set-aside is 31 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Co9-13-06 (south side of Hardy Road, approx. 1,300 feet east of Thornydale Road)

In addition to the single Rezoning Policy outlined on page 2 of the Planning and Zoning Commission Staff Report (hearing date September 25, 2013), staff recommends the following Rezoning Policy:

2. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System –

Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:

- natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
- the site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site set-asides;
- off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
- off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
- the approximate minimum total natural open space (NOS) set-aside is 75 acres, the approximate minimum on-site NOS set-aside is 10 acres, and the approximate minimum off-site NOS set-aside is 65 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Here is a comparative summary of the CLS set-asides for all four cases:

Amendment Site	Approx. Minimum Acres of Total Set-aside	Approx. Minimum On-site Set-aside Acreage	Approx. Minimum Off-site Set-aside Acreage (Acreage may be adjusted accordingly if more than Minimum On-site Set-aside Acreage is provided)
Co7-13-03 (SEC Linda Vista Blvd.)	33	9	24
Co7-13-04 (NWC Cortaro Farms Road)	46	46	0
Co7-13-05 (NWC Magee Road)	38	7	31
Co7-13-06 (Hardy Road)	75	10	65

Cc: Sherry Ruther, Environmental Planning
Jim Portner, Projects International, Inc.
Carolyn Campbell, Coalition for Sonoran Desert Protection