



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan M. Colton, Planning Director *AMC*

DATE: July 24, 2013

SUBJECT: Co9-09-09 ORANGE GROVE PROPERTY LLC – ORANGE GROVE ROAD REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, AUGUST 6, 2013** hearing.

REQUEST: A request for a rezoning of approximately **1.74 acres** from **CR-1 (Single Residence)** to **TR (Transitional)**, on property located at the southeast corner of Orange Grove Road and LaCanada Drive.

OWNER: Orange Grove Property LLC
1955 W. Grant Road Ste. 125G
Tucson, AZ 85745-1470

AGENT: Joel Kramer
Kramer Architecture
5525 W. Dove of Peace
Marana, AZ. 85658

DISTRICT: 1

STAFF CONTACT: Janet Emel

PUBLIC COMMENT TO DATE: Two letters (via email) have been received expressing opposition from the same neighbor citing multiple concerns.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**, (6–2 Commissioners Neeley and Poulos voted Nay, Commissioner Holdridge abstained, which counted as a yes vote, Commissioners Johns and Mangold were absent).

STAFF RECOMMENDATION: **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/JE/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-09-09

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FOR AUGUST 6, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: July 24, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

Co9-09-09 ORANGE GROVE PROPERTY LLC – ORANGE GROVE ROAD REZONING

Request of Orange Grove Property LLC, represented by Joel Kramer of Kramer + Architecture, for a **rezoning** of approximately **1.74 acres** from **CR-1 (Single Residence)** to **TR (Transitional)**, on property located at the southeast corner of Orange Grove Road and La Canada Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). On motion, the Planning and Zoning Commission voted 6-2 to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** (Commissioners Neeley and Poulos voted Nay, Commissioner Holdridge abstained, which counted as a yes vote, Commissioners Johns and Mangold were absent). Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (June 26, 2013)

Staff presented the staff report to the commission.

A commissioner asked about limiting the building height by feet and by story, noting the building height restriction on the property to the west of the rezoning site. The commissioner asked what the zoning code says on the subject. Staff responded that with the one story limit on the rezoning, the building height could be 24 feet. Staff said that medical offices often require greater height because of their specific type of equipment.

The commissioner asked what staff means with the recommended rezoning condition to design the office windows facing the south and east such that the neighbors' loss of privacy is minimized. Staff suggests that the windows facing the south and east be small and high whereas on the north and west sides of the buildings the windows could be large.

The commissioner asked staff what makes for a better buffer for the neighbors – building setback distance, bufferyards, or parking areas. Staff responded that the sides abutting the neighbors require bufferyards type “D” which at minimum would include a six-foot high decorative masonry wall. The wall would block car lights from the office parking lot affecting the neighbors. Given that the buildings are to be designed to face the north, staff commented that they are not sure it would make a significant difference to the neighbors to have an adjacent building or parking lot. Staff added that the applicant is limited in buildable area by the 30-foot Major Streets and Scenic Routes setback for Orange Grove Road.

The commissioner asked whether parking lots have to be lit after hours. Staff responded that they are not sure that the zoning code requires any lighting other than security lighting outside of business hours; lighting should be off outside of business hours.

The commissioner noted that the staff report references saguaros on the property but she does not see them on the aerial photo. She asked if there are other materials that show the saguaros. Staff responded that there is a map in the site analysis that shows the location and heights of the saguaros. Staff provided the map to the commissioners. (Site analysis documents are now provided through the web site.) Staff said that the saguaros are eight feet or less in height and will be transplanted on site to the open space and bufferyard areas.

A commissioner asked if there is a transplant ratio that would help because mortality is generally high with transplanting saguaros. Staff responded that 80 percent of the saguaros must remain on site and depending upon the heights of the saguaros, the transplant ratio is either 2:1 or 3:1 replacement. It was noted that the saguaros will not be preserved in place.

A commissioner asked where the decorative masonry walls will be located. Staff responded definitely along the south and east boundaries adjacent to the residential lots. Because the county is providing landscaping as part of the road improvements along La Canada Drive and Orange Grove Road, the applicant will request a variance to waive his requirement to provide bufferyards along the north and west boundaries. Staff said that the Preliminary Development Plan Option (PDP) “A” applies if the variance to waive the bufferyard requirement is approved. PDP Option “B” applies if the variance is denied.

The applicant's representative stated that he had a meeting with the neighbors and one of the main objections was allowing uses such as day care and assisted living which are uses allowed under the existing CR-1 zone. The representative said that the proposed use of professional office was more acceptable. The second main concern was drainage which

he said will be better addressed by developing the property as proposed. The representative stated that greater building height is necessary for medical offices because of air flow issues with gases and the need for larger HVAC systems which all require higher ceilings and greater verticality.

A commissioner asked when the culvert is removed how the water will drain. The representative responded that it is routed to the west on the north side of Orange Grove Road by way of a storm drain which is part of the county's road improvements. Staff confirmed that it is part of the county improvements to remove the culvert and the wash will be directed to the west. Staff added that according to Department of Transportation staff, the culvert should be removed by the end of this year.

A commissioner asked if the applicant has no access to a renewable water supply, can they obtain permits. Staff responded that the development can use Metropolitan Water Company's well sites until a renewable supply such as the Central Arizona Project (CAP) water is available. Staff clarified that Tucson Water has a renewable supply because they utilize CAP water, whereas Metro Water still relies on wells, however, it is thought that they do have a CAP allotment.

A commissioner asked if the improvements are put on hold and the culvert is not removed by the time the development plan is submitted, will the applicant have to account for excess water drainage. Staff responded that a development cannot increase flows onto another property; it has to be contained plus the applicant is also going to do water harvesting.

There was no public comment from the audience.

A motion to close the public hearing was approved.

A commissioner commented that he would like the rezoning request more if he could be assured that a variance will be approved because PDP option "A" is preferred. Staff replied that they could report the Commission's preference to the Board of Adjustment at the variance hearing.

A commissioner commented that 80 percent of the saguaros are to remain on site and transplanting requires replacement ratios.

A commissioner asked what the covenants, conditions and restrictions for the subdivision allow (the subject property are Lots 1 and 2 of the Ranch House Estates Subdivision). Staff and the representative said that they are not aware of the CCRs. Staff added that this is an old subdivision and the CCRs may have expired.

A commissioner commented that if a wall is built on the west side, then the saguaros will probably drown due to the drainage pattern. A commissioner commented that none of the saguaros are less than three feet in height so the prognosis for transplanting is not good. Staff clarified that 95 percent of the site is to be graded but 22 percent will be revegetated.

The commission moved to approve Co9-09-09 subject to the standard and special conditions, with notice to the Board of Adjustment that the commission prefers preliminary development plan option "A" over option "B". PDP option "A" reflects an approval by the District 1 Board of Adjustment to waive the bufferyard requirements along La Canada Drive and Orange Grove Road adjacent to the subject property.

A commissioner commented that the rezoning makes sense given the location and its proximity to hospital use but she is concerned about the loss of saguaros, commenting that this is a 'scrape and blade' treatment of the property.

A commissioner asked if there is a way to ensure that the transplanted saguaros will not 'drown'. There was a discussion that saguaros have very shallow roots and can easily topple in storm events. It would be difficult to prevent the impact of excessive drainage.

A commissioner asked if the zoning code requires survival of the transplanted saguaros. Staff responded that there are some required precautions to help ensure survival for one year. Ultimately, the developer is required to provide a bufferyard but a saguaro may not necessarily be required to be in the bufferyard (i.e. after one year if the saguaro is not thriving it could be replaced by another plant meeting the bufferyard requirements).

A commissioner asked whether the one year is measured after the certificate of occupancy or one year after moving dirt. Staff responded that it is one year after the certificate of occupancy is attained.

The motion passed 6-2 (Commissioners Neeley and Poulos voted Nay, Commissioner Holdridge abstained, which counted as a yes vote per the Commission rules, Commissioners Johns and Mangold were absent).

IF THE DECISION IS MADE TO APPROVE THE REZONING REQUEST, 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 a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.

5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Adherence to the Preliminary Development Plan "A" or "B" as approved at public hearing as applicable based on the Board of Adjustment's decision on a variance request to waive the bufferyard requirements for the west and north boundaries.
8. At minimum, the Bufferyard "D" along the south and east sides of the subject property shall include a six-foot decorative masonry wall to provide the neighbors some privacy. Open space areas shall provide seating and open space areas and bufferyards shall provide solar landscape lighting to identify entrances and walkways.
9. The use is limited to professional offices that do not dispense or test for pharmaceuticals. The operating hours shall be between 6 a.m. to 8 p.m. Buildings shall be positioned to face away from the residential properties to the south and east. Lighting on the south and east side of the buildings shall be shielded to avoid directing light onto the neighbors' lots. Windows on the south and east sides of the proposed buildings shall be designed to minimize loss of privacy by the adjacent single-family residences.
10. The building height(s) shall be a maximum of one-story.
11. Transportation Conditions:
 - A. One access point shall be allowed on Orange Grove Road. One access point on La Canada Drive may be allowed if approved by the Department of Transportation.
 - B. Dedication of approximately 11 feet of right-of-way along the Orange Grove Road frontage, including a 25-foot radius return at La Canada Drive. The actual width to be dedicated may vary, but the intent is to have a 100 foot half right-of-way based on the new construction centerline of Orange Grove Road.
12. Flood Control (Water Resources) condition: A Integrated Water Management Plan (IWMP) shall be submitted for review at the time of submittal of the Development Plan detailing water-conservation measures, including water harvesting and other indoor and outdoor conservation measures. Exterior water harvesting off the parking lot and other areas for landscape use shall be detailed in the Landscape Plan. Use of approved EPA Water Sense toilets at 1.28 gpf and low-flow faucets shall be incorporated into the interior plans as notes on the Development Plan.

13. Environmental Quality condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) 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.
14. Wastewater Management 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.
15. Cultural resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
16. 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.
17. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner 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)."

CP/JE/ar
Attachments

c: Orange Grove Property LLC, 1955 W. Grant Road Ste. 125G,
Tucson, AZ 85745-1470
Joel Kramer, Kramer Architecture, 5525 W. Dove of Peace, Marana, AZ. 85658
Chris Poirier, Assistant Planning Director
Co9-09-09 File

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

HEARING June 26, 2013

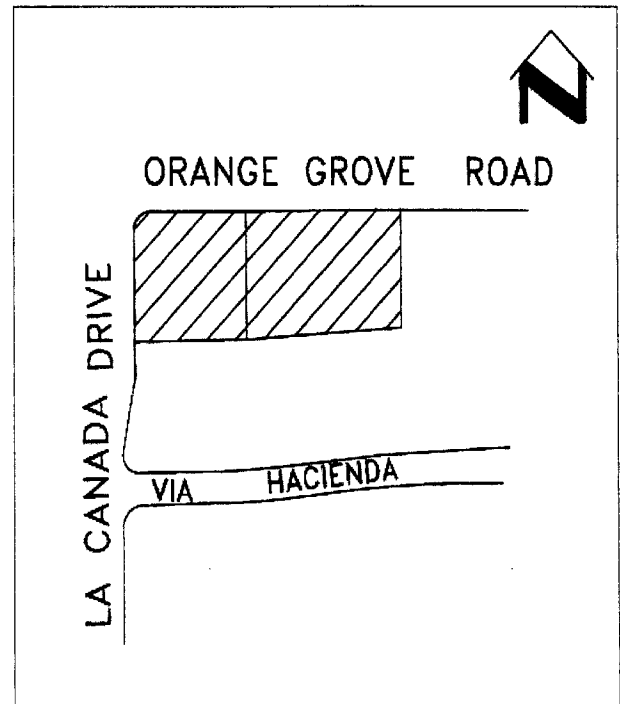
DISTRICT 1

CASE Co9-09-09 Orange Grove
Property LLC – Orange
Grove Road Rezoning

REQUEST CR-1 (Single Residence) to
TR (Transitional) 1.74 acres

OWNER Orange Grove Property LLC
1955 W. Grant Road Ste 125G
Tucson, AZ 85745-1470

AGENT Joel Kramer
Kramer Architecture
5525 W. Dove of Peace
Marana, AZ 85658



APPLICANT'S PROPOSED USE
Professional office

APPLICANT'S STATED REASON

"More office space is needed close to major hospitals. This project is less than a mile from Northwest Hospital."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO CONDITIONS**. The rezoning request complies with the Comprehensive Plan, is located at a major intersection, meets concurrency, and with the recommended rezoning conditions, the proposed land use is an appropriate transition to the surrounding development.

COMPREHENSIVE PLAN

The subject property is designated as Medium Intensity Urban (MIU) by the Pima County Comprehensive Plan. A rezoning request to the TR zone complies with the MIU designation. Comprehensive Plan Rezoning Policy RP-68 applies to the property. RP-68 states: 1) Uses within the TR Transitional zone shall be limited to the following: assisted living centers, clinics, clubs, professional office, child care center or real estate offices; and 2) Uses shall be limited to one story.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM CLASSIFICATION (MMBCLS)

The subject property is located outside the MMBCLS.

SURROUNDING LAND USES/GENERAL CHARACTER

North	TR	W. Orange Grove Road, Offices, Existing covered parking
South	CR-1	Single-family residential
East	CR-1	Single-family residential
West	TR	N. La Canada Drive, Undeveloped (Proposed offices)

The property is surrounded on two sides (east and south) by low-density, single-family residential development. There are proposed office uses across La Canada Drive to the west and existing office uses across Orange Grove Road to the north. South of the proposed office site across La Canada Drive to the west is the office for Metropolitan Water Company. With the above exceptions, the surrounding area is generally comprised of single-family, residential development.

PUBLIC COMMENT

Staff has received one letter citing multiple comments and concerns associated with the proposed rezoning.

PREVIOUS REZONING CASES ON PROPERTY

There have been no previous rezoning requests for the subject property.

PREVIOUS REZONING CASES IN GENERAL AREA

Co9-99-15 Gatzionis Brother Family Partnership/CAB Produce Company – Orange Grove Road #2 Rezoning

Location: On the southwest corner of La Canada Drive and Orange Grove Road.

Request: SR to TR for offices (10.15 acres)

Action: Approved on 11/9/99. Ordinance 2000-11.

Rezoning conditions limit building height to 24 feet (two story) except for the two northernmost buildings on the preliminary development plan which are limited to 18 feet (one story).

Co9-98-37 Lawyers Title of Arizona, Trust #7390-T – Orange Grove Road Rezoning

Location: On the northeast corner of La Canada Drive and Orange Grove Road.

Request: CR-1 to TR (6.3 acres)

Action: Approved on 4/20/99. Ordinance 1999-42.

The Orange Grove Office Park (P1201-165) development plan was approved on 12/27/03 for the lots abutting Orange Grove Road. The use of the project is offices, medical and dental and less intensive office uses.

Co9-93-36 Montebella Associates – Orange Grove Road Rezoning

Location: Approximately ½ mile west of subject property on the south side of Orange Grove Road at Montebella Road.

Request: SR to CR-1, CR-2, TR (17 acres)

Action: Approved.

CONCURRENCY CONSIDERATIONS		
<i>Department</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes (in the immediate area) subject to conditions	Conditions recommended
FLOOD CONTROL	Yes	No condition recommended
WASTEWATER	Yes subject to conditions	Conditions recommended
PARKS AND RECREATION	N/A	No condition recommended

PLANNING REPORT

The rezoning request is for 1.74 acres from the CR-1 (Single Residence) zone to the TR (Transitional) zone for professional office use. The subject property is comprised of Lots 1 and 2 of the Ranch House Estates Subdivision. The applicant proposes two lots of .87 acres each with a one-story, 24-foot building height limit. The Comprehensive Plan rezoning policy (RP-68) applicable to the subject property proposes that the uses be limited to assisted living centers, clinics, clubs, professional office, child care center or real estate offices and that the building height be limited to one story.

The Development Services Department recommendation is **APPROVAL SUBJECT TO CONDITIONS**. The rezoning request complies with the Comprehensive Plan, is located at a major intersection, meets concurrency, and with the recommended rezoning conditions, the proposed land use is an appropriate transition to the surrounding development.

As proposed, the rezoning conditions would require bufferyards including a six-foot decorative masonry wall between the site and the neighbors, the use shall be limited to professional offices that do not dispense or test for pharmaceuticals with maximum operating hours of between 6 a.m. to 8 p.m., the buildings shall be positioned to face away from the residential properties, lighting of the proposed buildings shall be shielded to avoid directing light onto the neighbors' lots, and windows of the proposed buildings shall be designed to minimize loss of privacy by the adjacent single-family residences. And, the maximum building height(s) shall be one-story.

Both La Canada Drive and Orange Grove Road are designated "Major Routes" according to the Major Streets and Scenic Routes (MSSR) Plan. Major Routes require a setback from the centerline of the road of one-half the required right-of-way (75 feet) plus 30 feet for a minimum setback from the property line after dedication of the required right-of-way.

Two neighborhood complaints have been filed regarding the drainage exiting the southwest corner of the property. There is drainage from an existing culvert under Orange Grove Road from the northeast corner of the subject site to the southwest. The drainage has created a shallow area but no 100-year floodplain or significant sheet flooding. The current road improvements to Orange Grove Road will remove the culvert and a drainage basin is proposed for the rezoning site. Together these changes should address the neighbors' drainage issue. The applicant intends to smooth out the shallow area through grading. Staff has determined that the Ch. 18.61 Hillside Development Zone (HDZ) requirements do not apply to this shallow area because the area does not meet the minimum length/height requirements (not as the applicant states because the slope is "man-made"). For HDZ to

apply, the area must be longer than 50 feet when measured in any horizontal direction and higher than 7.5 feet when measured vertically.

Ninety-five percent of the site is intended to be graded with 22 percent of the site to be revegetated. There are 15 saguaros on the site which the applicant intends to transplant in bufferyards and open space. Type "D" bufferyards are required along any designated major route and where the TR zone abuts SR-zoned, residential uses. A Type "D" bufferyard ranges from a ten-foot wide area of dense vegetation with a six-foot decorative, masonry wall or a 48" high berm wall to a 40-foot wide natural desert area. The applicant proposes Type "D" bufferyards including the six-foot decorative masonry wall along the south and east sides of the subject property where it abuts the SR-zoned, residential lots. Because Pima County will be providing landscaping along east side of La Canada Drive and along the south side of Orange Grove Road as part of the current road improvements, the applicant intends to apply for a variance from the Board of Adjustment to waive the requirements for bufferyards on those sides (west and north) of the subject site. The applicant has proposed two bufferyard options (reference site analysis Exhibits 2.I.1.A. and 2.I.1.B.) whether the variance is approved and or denied.

The rezoning currently does not have access to renewable, potable water, however Metropolitan Water Company is making efforts to bring Central Arizona Project water into the area.

The buildings shall be located such that they face away from the residential lots to reduce negative effects (e.g. noise, traffic, light) on the neighbors. Staff suggests rezoning condition #9 that requires lights be directed and shielded to minimize effects on the neighbors, the buildings' windows facing the residential lots be designed to minimize loss of privacy, the use(s) be limited to operational hours of 6 a.m. to 8 p.m., and, at minimum, a Bufferyard Type "D" with a six-foot decorative masonry wall shall be provided along the boundaries adjacent to residences (south and east). Solar landscape lighting shall be provided near entrances and walkways and seating shall be provided in open spaces. Condition #10 limits the height of the buildings to one story.

TRANSPORTATION REPORT

La Canada Drive is currently being reconstructed and widened to four lanes from River Road to Ina Road. The project also includes widening of Orange Grove Road to four lanes for ¼ mile east and west of La Canada Drive. The improved section will include a median, bike lanes, curb, sidewalk and landscaping. Construction should be complete by early 2014. The new medians will extend the full length of the property on both Orange Grove Road and La Canada Drive so any driveways will be restricted to right turns in and out. A second construction project, scheduled to be underway by the end of the summer, will widen the existing two-lane Orange Grove Road to three lanes with bike lanes between the end of the four-lane intersection improvements east of La Canada Drive and Oracle Road. This improvement should also be completed in early 2014.

The most recent traffic counts show that approximately 15,000 vehicles per day use La Canada Drive and 22,000 vehicles per day use Orange Grove Road adjacent to the project. The ongoing construction project will increase the capacity of both roads to approximately 33,000 vehicles per day so both roads adjacent to the project will be operating under capacity. East of the development, the four-lane Orange Grove Road will transition to the new three-lane section and continue east to Oracle Road where it once again widens to four lanes at the intersection. The three-lane section of Orange Grove Road will be over capacity and will experience congestion problems until it is widened in the future. There is also a two-lane section of Orange Grove Road to the west between La Canada Drive and La Cholla Boulevard that will be operating over capacity.

In the site analysis, in several locations, the information regarding bufferyard landscaping has been misstated. Please note that required bufferyards are not allowed in the public right-of-way. Option A

reflects a waiver of the bufferyard requirement due to the fact that significant landscaping will be placed in the right-of-way with the County's major construction project and could substitute for the bufferyard.

REGIONAL FLOOD CONTROL DISTRICT REPORT

1. There are no FEMA or locally mapped floodplains on the site and it does not include Pima County Regulated Riparian Habitat.
2. Two drainage complaints (2007 & 2012) are on file from the neighbor to the south regarding nuisance flows from the existing natural wash. Written responses were provided explaining that the wash is non-regulatory and that the construction of her home predates the Floodplain Management Ordinance. The drainage through this wash will be reduced by the County road improvements and potentially further by the applicant's design.
3. The Existing Hydrology narrative states that a Floodplain Use Permit (FPUP) is not required because no regulatory floodplains exist on-site. While not applicable here, FPUPs are also required when there is Pima County Regulated Riparian Habitat, Erosion Hazard Setbacks, and sheet flood areas amongst other reasons (PCC Section 16.20.010). A development plan including drainage features and a Drainage Report are required. Drainage features must be approved by the District including basins, grading and placement of fill. The intent of this statement is unclear and while this comment was made during review of the Site Analysis clarification has not been provided with the final submittal. The applicant should be aware that a development plan is required and requires review and approval by the District.
4. The Composite and Existing Hydrology Exhibits show very different flow rates for all concentration points. While this was pointed out during review of the site analysis, it was not corrected with the final submittal. Furthermore, the total site out-flow rate shown in the hydrology note on the composite exhibit is not the sum of the flows shown at the concentration points on the same exhibit.
5. During the completeness review of the site analysis, PCRFCFCD commented that outflow structures should be constructed a sufficient distance north of the property line to assure that erosion protection can be placed within the project to prevent adverse off-site impacts. While the applicant's response letter to review of the second submittal stated that the basin has been moved, PDP-B still shows it immediately adjacent to the property line while it is setback on the proposed engineering exhibit 2D1A. Furthermore, the outflow rates are not shown. It is however stated that all outflow will be harvested for landscaping.

In conclusion while there are inconsistencies and inaccuracies within the site analysis the District has no objection to or special conditions to recommend for this project.

Water Resources Division:

A Water Supply Impact Analysis and site analysis review has been conducted on Co9-09-09. Pima County conducts a Water Supply Impact Analysis on rezonings regarding how the proposal would affect five critical issues.

PIMA COUNTY'S WATER SUPPLY IMPACT ANALYSIS		
	CRITICAL ISSUE	RESPONSE
1.	Water Service and Renewable Water Supply Options	The applicant has indicated that they have received an 8/04/2009 letter of intent to serve from Metropolitan Domestic Water Improvement District (MDWID). The proposed rezoning is within the MDWID Service Area. MDWID has renewable and potable water (CAP), but it is not able to serve this water at this time to the applicant. Water served will most likely be potable well water nearby until infrastructure is built to transport CAP into the MDWID service area.
2.	Current and Projected Depth to Groundwater and Groundwater Trend Data	The average depth to groundwater in this area is approximately 265 feet. Groundwater at this depth is not likely to support vegetation or aquatic ecosystems. Groundwater levels have declined in the area between 1981 and 2010 as much as 1.66 feet/year. Groundwater levels are projected to decline by 15 feet over the next 15 years, according to the ADWR-TAMA model Base Case.
3.	Proximity to Areas of Known or Potential Ground Subsidence	The proposed rezoning is in an area of low subsidence, declining 0-1 feet from 1987-2005
4.	Proximity to known Groundwater-Dependent Ecosystems	The proposed rezoning area is not within 5-miles of a groundwater dependent ecosystem.
5.	Location within a Hydrogeologic Basin, including Depth to Bedrock	The proposed rezoning is located in the Tucson Hydrogeologic Basin area. This sub-basin has been identified as being sensitive to groundwater removal. Depth to bedrock in this area is estimated at greater than 1000 feet.

Pima County's Water Supply Impact Analysis finds that, under existing conditions, the rezoning property does not currently have access to renewable and potable water. However, MDWID is making efforts to bring CAP into the area and rely less on groundwater. The area is also where groundwater has been declining and is projected to continue to decline.

The current site analysis does not have a Preliminary Integrated Water Management Plan (PIWMP) with designated water conservation measures. As described in the Pima County Comprehensive Plan Water Resources Element, a site analysis is to have a PIWMP for any rezoning that requires a site analysis. Although water demand may not be high for this site, all diligent measures to conserve on water are important. Descriptions of exterior water harvesting for a "Landscape Oasis", and the commitment from MDWID to serve, is consolidated into the Site Analysis.

The following condition should be included if the site is rezoned:

An Integrated Water Management Plan (IWMP) shall be submitted for review at the time of submittal of the Development Plan detailing water-conservation measures, including water harvesting and other indoor and outdoor conservation measures. Exterior water harvesting off the parking lot and other areas for landscape use shall be detailed in the Landscape Plan. Use of approved EPA Water Sense toilets at 1.28 gpf and low-flow faucets shall be incorporated into the interior plans as notes on the Development Plan.

WASTEWATER MANAGEMENT REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to the proposed rezoning subject to the recommended rezoning conditions.

DEVELOPMENT SERVICES ENVIRONMENTAL QUALITY AIR QUALITY REPORT

The department has no objection to the proposed Rezoning request provided the property is served by public or private sewer. On-site wastewater disposal shall not be allowed.

The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

The department has no objections to or rezoning conditions for the rezoning request.

CULTURAL RESOURCES

The conditions remain the same as stated in the site analysis (and previously reviewed by Loy Neff in 2009), Section II-P Cultural Resources: Archaeological and Historic Sites.

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

UNITED STATES FISH AND WILDLIFE REPORT: No written comments have been received to date.

IF THE DECISION IS MADE TO APPROVE THE WAIVE OF PLATTING REQUIREMENTS, 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 a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.

6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Adherence to the Preliminary Development Plan "A" or "B" as approved at public hearing as applicable based on the Board of Adjustment's decision on a variance request to waive the bufferyard requirements for the west and north boundaries.
8. At minimum, the Bufferyard "D" along the south and east sides of the subject property shall include a six-foot decorative masonry wall to provide the neighbors some privacy. Open space areas shall provide seating and open space areas and bufferyards shall provide solar landscape lighting to identify entrances and walkways.
9. The use is limited to professional offices that do not dispense or test for pharmaceuticals. The operating hours shall be between 6 a.m. to 8 p.m. Buildings shall be positioned to face away from the residential properties to the south and east. Lighting on the south and east side of the buildings shall be shielded to avoid directing light onto the neighbors' lots. Windows on the south and east sides of the proposed buildings shall be designed to minimize loss of privacy by the adjacent single-family residences.
10. The building height(s) shall be a maximum of one-story.
11. Transportation Conditions:
 - A. One access point shall be allowed on Orange Grove Road. One access point on La Canada Drive may be allowed if approved by the Department of Transportation.
 - B. Dedication of approximately 11 feet of right-of-way along the Orange Grove Road frontage, including a 25-foot radius return at La Canada Drive. The actual width to be dedicated may vary, but the intent is to have a 100 foot half right-of-way based on the new construction centerline of Orange Grove Road.
12. Flood Control (Water Resources) condition: A Integrated Water Management Plan (IWMP) shall be submitted for review at the time of submittal of the Development Plan detailing water-conservation measures, including water harvesting and other indoor and outdoor conservation measures. Exterior water harvesting off the parking lot and other areas for landscape use shall be detailed in the Landscape Plan. Use of approved EPA Water Sense toilets at 1.28 gpf and low-flow faucets shall be incorporated into the interior plans as notes on the Development Plan.
13. Environmental Quality condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) 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.

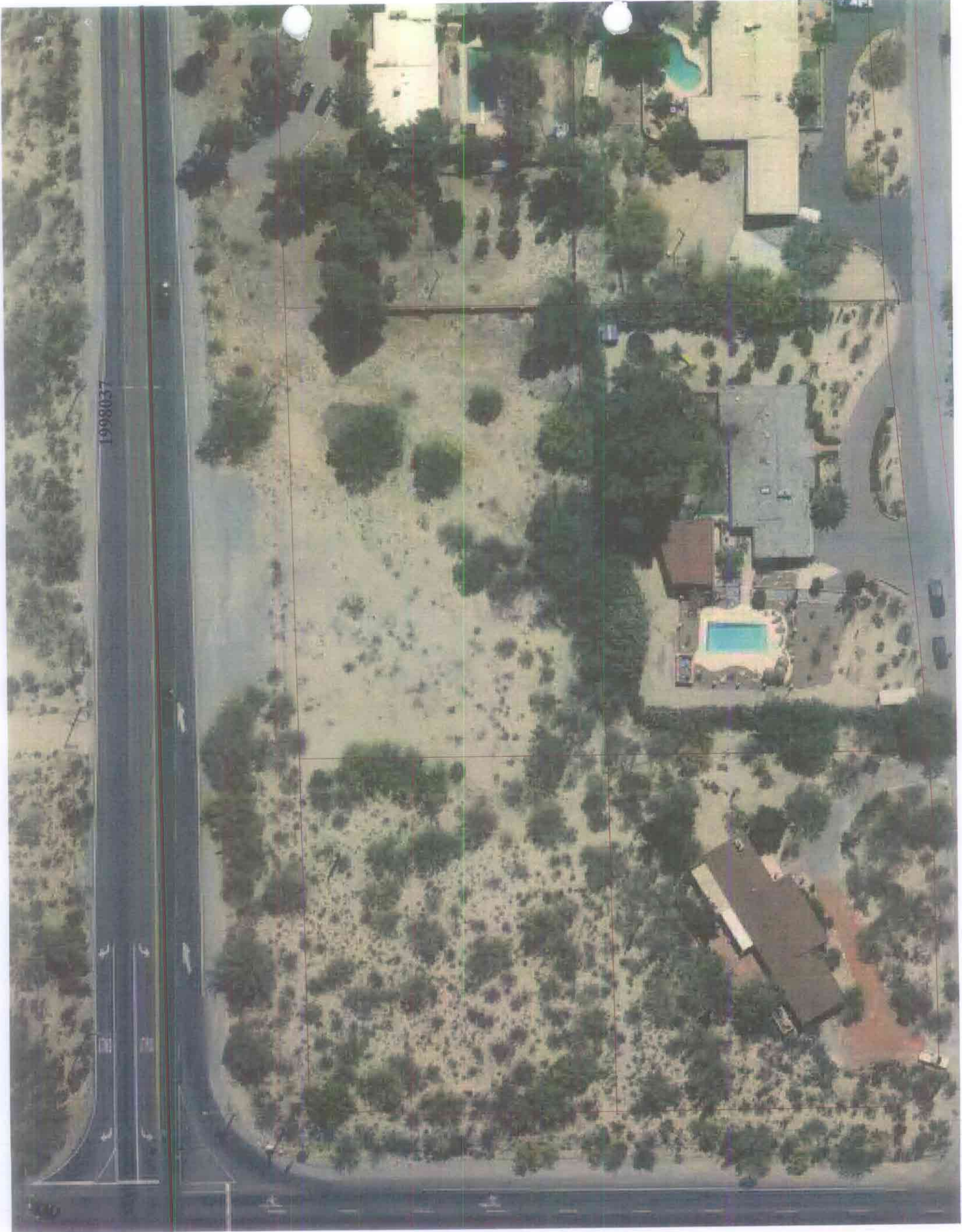
14. Wastewater Management conditions:
- A. The owner / developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
 - B. The owner / developer 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.
15. Cultural resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

16. 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.
17. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

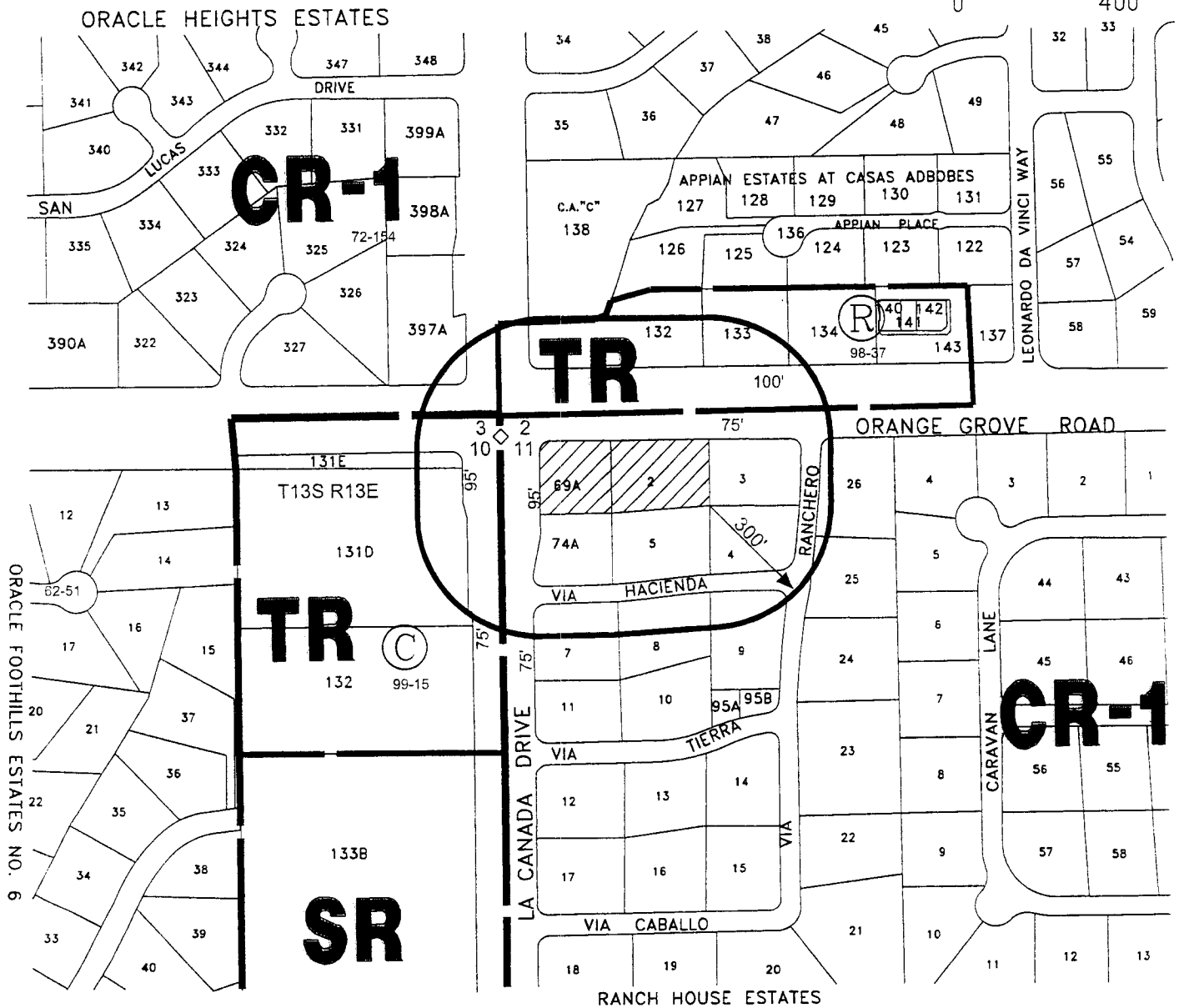
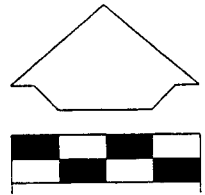
Respectfully Submitted,


Janet Emel, Senior Planner

1998037



PIMA COUNTY COMPREHENSIVE PLAN (C07-00-20)



Area of proposed rezoning from **CR-1 to TR** 
 Notification area  BASE MAP 76

Notes _____

Tax codes 102-16-069A
 & 102-16-0700

Date 06/03/13
 Drafter DS

File no. C09-09-009
ORANGE GROVE PROPERTY LLC
ORANGE GROVE REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

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

Comprehensive Plan Land Use Designation
Co9-09-09

- MIU – Medium Intensity Urban
MHIU – Medium High Intensity Urban
LIU 1.2 – Low Intensity Urban 1.2



APPLICATION FOR REZONING

Orange Grove Property LLC - 1955 W Grant St #125G
 Owner _____ Mailing Address _____ Email Address/Phone daytime / (FAX) _____
KRAMER + ARCHITECTURE 6000 E. RIVER RD 85750 JKRAMER33G
 Applicant (if other than owner) _____ Mailing Address _____ Email Address/Phone daytime / (FAX) Comcast
1321 & 1341 E. ORANGE GROVE ROAD 1021160690 & 102460700
 Legal description / property address _____ NORTH WEST CO. MAP SUBREGION Tax Parcel Number
1.74 AC CR-1 TR AREA OUTSIDE OF COMPLAN - RD-6B
 Acreage Present Zone Proposed Zone Comprehensive Plan Subregion / Category / Policies 28.6

The following documentation must be attached:

1. **Assessor's map** showing boundaries of subject parcel and **Assessor's Property Inquiry (APIQ)** printout showing current ownership of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with an **original signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, an **original signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, an **original signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. For rezonings that require a site analysis, submit the site analysis fee and seven (7) copies of the site analysis document.
3. For rezonings that do not require a site analysis, submit a sketch plan in accordance with **Chapter 18.91.030.E.1.a. & b.** Submit a detailed description of the proposed project, including existing land uses, the uses proposed and to be retained, special features of the project and existing on the site (e.g., riparian areas, steep slopes) and a justification for the proposed project. Include any necessary supporting documentation, graphics and maps (all documentation should be legible and no larger than 8.5" X 11").
4. For all rezonings, submit three (3) copies of the Biological Impact Report.
5. For all rezonings, submit the entire rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. Staff is forwarding rezoning information to the following address:
 United States Fish and Wildlife Service, 110 S. Church Av., Box 52, Tucson, AZ 85701.

11-25-09

Date

Joel Kramer
 Signature of Applicant

FOR OFFICIAL USE ONLY

Orange Grove Property LLC - Orange Grove Rezoning Co9-09-09
 Case name CR-1 TR 77/76 \$7554⁰⁰ 1
 Rezoning from _____ Rezoning to _____ Official Zoning Base Map Number _____ Fee _____ Supervisor District _____
Outside
 Conservation Land System category _____
none (Ranch House Estates no PD#) NW MIU
 Cross reference: Co9-, Co7-, other _____ Comprehensive Plan Subregion / Category / Policies _____

Received by DS

Date 11-25-09

Checked by DS

Date 12-1-09

NOV 25 2009

PIMA COUNTY
REZONING IMPACT STATEMENT

Please answer the following questions **completely**; required hearings may be delayed if an adequate description of the proposed development is not provided. Staff will use the information to evaluate the proposed rezoning. Additional information may be provided on a separate sheet.

NAME (print) JOEL KRAMERNAME OF FIRM (if any) KRAMER + ArchitectureINTEREST IN PROPERTY 30% INTEREST IN ORANGE GROVE PROPERTIES LLCSIGNATURE Joel Kramer DATE _____

A. PROPOSED LAND USE

1. Describe the proposed use of the property.

PROFESSIONAL OFFICE

2. State why this use is needed.
- MORE OFFICE SPACE IS NEEDED CLOSE TO MAJOR HOSPITALS. THIS PROJECT IS LESS THAN A MILE FROM N.W. HOSPITAL

3. If the proposed use is residential, how many
- total residential units**
- will there be on the property to be rezoned? Will these be detached site-built homes, manufactured homes, or another type?

Total units: N/A Type: N/A

4. Will the subject property be split into additional lots? YES
- ☒
- NO (circle one)

5. How many
- total lots**
- will there be on the property to be rezoned, and what size in acres will each lot be?

2-lots .87 ACRES EACH

6. If more than
- one**
- lot will be created by this rezoning, how will all-weather access be provided to these lots from a dedicated public road? (e.g. direct access, existing easement, new easement, etc.)

DIRECT ACCESS FROM ORANGE GROVE & LA CANADA

7. What is the maximum proposed building height?

24 feet and 0" 1- stories

8. Provide an estimate of when proposed development will be started and completed.

Starting date:

Completion date:

11.25.10 - 11.25.11

9. If the proposed development is commercial or industrial:

- a. How many employees are anticipated? 8
- b. How many parking spaces will be provided? 90 SPACES
- c. What are the expected hours of operation? 7am to 7pm
- d. Will a separate loading area be provided? Yes

e. Approximate building (sq. feet)? 16,600

10. a. For commercial or industrial developments, or residential developments of three residences per acre or greater, state which bufferyard is required, according to Chapter 18.73 (Landscape Standards) of the Zoning Code.

BUFFER YARD 'D'

b. Describe the buffer that will be provided (state buffer width, use of walls, or type of plant material) to meet the Code requirement. Refer to Chapter 18.73 of the Zoning Code.
BUFFER YARD 'D' 20' WIDE ALONG EAST. BUFFER YARD 'D' 10' WIDE W/ LOW WALL ALONG NORTH BOUNDARY. BUFFER YARD 'D' 20' WIDE ALONG SOUTH BOUNDARY. BUFFER YARD 'D' 20' WIDE ALONG WEST.

11. If the proposed development is an industrial project, state the industrial wastes that will be produced and how they will be disposed of. (Discuss the means of disposal with the Wastewater Management Department at 740-6500 or the Department of Environmental Quality at 740-3340.)

N/A

B. SITE CONDITIONS - EXISTING AND PROPOSED

1. Are there existing uses on the site? YES (NO)

a. If yes, describe the use, stating the number and type of dwelling unit, business, etc.

N/A

b. If no, is the property undisturbed, or are there areas that have been graded?

PROPERTY IS MOSTLY UNDISTURBED SOME FILL HAS BEEN PLACED ON THE PROPERTY

2. If the proposed rezoning is approved, will the existing use be removed, altered, or remain as is?

N/A

3. Are there any existing utility easements on the subject property? (YES) NO

If yes, state their type and width, and show their location on the sketch plan or preliminary development plan. TELSON ELECTRIC & SOUTH WEST GAS EASEMENTS ARE

SHOWN

4. Describe the overall topography of the subject property, and note whether any slopes of greater than 15% are present on the property. Note any rock outcropping or unusual landforms or features.

THE GENERAL TOPOGRAPHY IS ROLLING DESERT W/ ALTERNATING FINGERS OF RIDGES & DRAINAGE SLOPES ARE GENERALLY 5-10% EXCEPT THAT FILL HAS BEEN PLACED ON THE SITE CREATING

A SMALL AREA OF SLOPES GREATER THAN 15% AS SHOWN IN TOPOGRAPHY SECTION OF THE SITE ANALYSIS

5. Note any areas of vegetation on the sketch plan or preliminary development plan and describe.

NO AREAS OF HEAVY VEGETATION

6. Conservation Land System (CLS):

- a. Is the subject property within the Conservation Land System? Yes No
- b. If so, which of the following categories does the subject property fall within?
Important Riparian area, Biological Core, Multiple Use or Recovery Management area, or Existing Development within the CLS.

7. How has the plan for the rezoning met the conservation standard for the applicable category area?

MEDIUM INTENSITY OFFICE

8. Are there any natural drainageways (washes) on the subject property? YES NO

If yes, state whether these natural drainage patterns will be altered by the proposed development, and what type of alteration is proposed. **NATURAL DRAINAGE ON SITE WILL BE**

ALTERED - SITE WILL BE GRADED TO DIRECT RUN-OFF TO RETENTION BASINS

THAT WILL THEN METEOR WATER OUT AT THE SAME LOCATION THAT NATURAL DRAINAGE
(NOTE: For information regarding flood control requirements, call 740-6350.)

9. Approximately how much of the subject property is proposed to be graded, including areas where most vegetation will be cleared? 1.15 Acres, or 28% percent of the land area. How much of this area is currently graded? 32%

10. Describe any revegetation proposal in areas where development will require removal of natural vegetation. MOST OF THE BUFFER YARD AREAS WILL BE UNGRADED AND THE NATURAL DESERT VEGETATION WILL BE LEFT AS-IS & BE SUPPLEMENTED W/ DROUGHT TOLERANT PLANT SPECIES. THE PARKING AREAS WILL HAVE LANDSCAPE ISLANDS FOR EVERY 10 PARKING SPACES & THE RETENTION AREAS WILL BE LANDSCAPED W/ DROUGHT TOLERANT PLANTS.

11. For rezonings larger than 3.3 acres (144,000 square feet) or for more than one residential unit per 3.3 acres:

- a. Is the subject property elevation less than 4,000 feet?

NO YES

- b. Are there any saguaro= on the subject property that are eight feet or taller or that contain a woodpecker cavity? If yes, how many?

☒ NO YES Number:

- c. Are there any mesquite trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

☒ NO YES Number:

- d. Are there any Palo Verde trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: 6

- e. Are there any nonwood trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: _____

- f. Have any Cactus Ferruginous Pygmy Owls been found on the subject property or within 1,500 feet of the proposed development project as a result of an Owl Habitat Survey?

- X 1) No survey has been done.
____ 2) No owls were found as a result of a survey performed on _____ (date).
____ 3) ____ (Number of) owls were found as a result of a survey performed on _____ (date).

11. Will a septic system or public sewer be used for the proposed development?

SEPTIC SEWER

If septic is to be used, state whether one currently exists on the property and, if so, whether additions to that system will be needed for this development. (NOTE: For information on septic system requirements, call the Department of Environmental Quality at 740-3340.)

12. How will water be supplied to the property?

METRO WATER COMPANY

Is the available supply adequate for the proposed development?

YES NO NOT SURE - SEE LETTER IN SITE ANALYSIS

C. SURROUNDING LAND USE

Describe in detail adjacent and nearby land uses within approximately 500 feet of the subject property in all directions.

NORTH: TR

SOUTH: CR-1

EAST: CR-1

WEST: TR

OCT 22 2007

FILE NO. L1402954-3



02110870

DO NOT WRITE ABOVE THIS LINE, FOR ACC USE ONLY

ARTICLES OF ORGANIZATION

**DO NOT PUBLISH
THIS SECTION**

NOTE: A professional limited liability company is an LLC organized for the purpose of rendering one or more categories of professional service. Professional service is defined as a service that may be lawfully rendered only by a person licensed in this state to render the service.

1. The LLC name must contain the words "limited liability company" or "limited company" or the abbreviations "LLC", "LC", "LLC", or "LC". The Professional LLC name must contain the words "professional limited liability company" or the abbreviations "P.LLC", "P.LC", "PLLC", or "PLC."

2. Must be an Arizona address. DO NOT LEAVE THIS SECTION BLANK

3. If the statutory agent has a PO BOX then they must also provide a physical address or description of the location.

The agent must sign the articles or provide written consent to acceptance of the appointment.

Select one. This form may be used for:

☐ ARIZONA LIMITED LIABILITY COMPANY (A.R.S. §29-632)

☒ ARIZONA PROFESSIONAL LIMITED LIABILITY COMPANY (A.R.S. §29-841.01)

1. The name of the organization:

A. _____
LLC Name Reservation File Number (If one has been obtained). If not, leave this line blank

B. ORANGE GROVE PROPERTY, LLC
Limited Liability Company Name

2. Known place of business in Arizona (If address is the same as the street address of the statutory agent, write "same as statutory agent". DO NOT LEAVE THIS SECTION BLANK)

Address 6000 E RIVER ROAD

City TUCSON State AZ Zip 85750

3. The name and street address of the statutory agent in Arizona

Name ARTHUR O. KELLEY, JR

Address 1955 W GRANT

City TUCSON State AZ Zip 85745

Acceptance of Appointment by Statutory Agent:

I ARTHUR O. KELLEY, JR., having been designated to act as
(Print Name of the Statutory Agent)

Statutory Agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statute.

Agent Signature: Arthur O. Kelley, Jr.

If signing on behalf of a company, please print the company name here.

**DO NOT PUBLISH
THIS SECTION**

4. Only required for professional limited liability company. The purpose must state the professional service or services that the company is organized to perform. Professional service is defined as a service that may be lawfully rendered only by a person licensed in this state to render the service.

5. The latest date, if any, on which the Company must dissolve.

If a dissolution date should include the month, day and year. Perpetual means continuing forever or indefinitely

6. Check which management structure will be applicable to your company. Provide name, title and address for each person.

6A. If reserved to the member(s), check the member's box and provide the name(s) and address(es) of each member. NOTE: if reserved to the member(s) you cannot list any manager.

6B. If vested in manager(s) check the manager's box and provide the name(s) and address(es) of each manager and each member who owns a twenty (20%) percent or greater interest in the capital or profits of the LLC/ PLLC.

The person (s) executing this document need not be a manager or member of the company.

Your phone and fax are optional.

L-1402954-3

4. Purpose of this (Professional) Limited Liability Company is to provide the following (professional) service(s): (Only required for a Professional LLC Company)

5. Dissolution: The latest date of Dissolution

- ☐ The latest date to dissolve ___/___/___ (Please enter month, day and four digit year)
- ☒ The Limited Liability Company is Perpetual

6. Management Structure: (Check one box only) A.R.S. §29-632(5)

A. ☐ RESERVED TO THE MEMBER(S)

IF RESERVED TO THE MEMBER(S), YOU MAY SELECT ONLY THE MEMBER BOX FOR EACH MEMBER LISTED.

B. ☒ VESTED IN MANAGER(S)

IF VESTED IN THE MANAGER(S), AT LEAST ONE ENTRY BELOW MUST HAVE THE MANAGER BOX CHECKED.

Name BARRY KRAEMER

Name ARTHUR O. KELLEY, JR.

☒ Member ☒ Manager (only if "B" is selected above)

☒ Member ☒ Manager (only if "B" is selected above)

Address: 6000 E RIVER ROAD

Address: 1955 W GRANT

City, TUCSON State, AZ Zip: 85750

City, TUCSON State, AZ Zip: 85745

Name JOEL KRAMER

Name _____

☒ Member ☒ Manager (only if "B" is selected above)

☐ Member ☐ Manager (only if "B" is selected above)

Address: 6000 E RIVER ROAD

Address: _____

City, TUCSON State, AZ Zip: 85750

City, _____ State, _____ Zip: _____

IF YOU NEED MORE SPACE FOR LISTING MEMBERS / MANAGERS PLEASE ATTACH THE ADDITIONAL PAGE TO THE ARTICLES OF ORGANIZATION.

Executed this 22ND day of OCTOBER, 2007

Executed by: Arthur O. Kelley, Jr.

Print Name ARTHUR O. KELLEY, JR.

If signing on behalf of a company, please print the company name here.

Phone Number: _____ Fax Number: _____

ARIZONA CORPORATION COMMISSION CORPORATIONS DIVISION SUBMISSION COVER SHEET

Important: USE A SEPARATE COVER sheet for each document.

ARE YOU FILING: ☒ New Entity ☐ Change to existing Entity ☐ Re submission/Correction

Please Select AND Complete all the Appropriate Sections 1 through 10:

Regarding (Name/Proposed name for Corp/LLC):

1. Type in Name: ORANGE GROVE PROPERTY, LLC

2. Filing Type: (Select Only One)

- ☐ Articles of Domestication\$100.00
- ☐ Articles of Incorporation (P)\$ 60.00
- ☐ Articles of Incorporation (NP).....\$ 40.00
- ☒ Articles of Organization (LLC).....\$ 50.00
- ☐ Application For Authority (Business)\$175.00
- ☐ Application to Conduct Affairs (NP).....\$175.00
- ☐ Application for New Authority\$175.00
- ☐ Application for Registration.....\$150.00
- ☐ Articles of Amendment.....\$ 25.00
- ☐ Articles of Amendment & Restatement\$ 25.00
- ☐ Articles of Correction\$ 25.00
- ☐ Articles of Merger/Share Exchange\$100.00
- ☐ Articles of Merger LLC\$ 50.00
- ☐ Affidavit of Publication.....No Fee
- ☐ Other: _____

4. Processing Type (Select One)

☒ **Expedited (\$35.00)** (Priority service, Additional Fee Per Document) Completed as soon as possible. View current processing times at <http://corporations.azcc.gov/>

☐ **Regular** View current processing times at <http://corporations.azcc.gov/>

5. Select Payment type:

☒ Check Amt 85.00 Check # 1175

☐ Cash Amt _____

☐ MOD Amt _____ MOD # _____

☐ No fee required

☐ See attached distribution of funds instructions

3. Extras:

- ☐ Certified Copies () (Qty @ \$5 each for Corps
- ☐ Certified Copies () (Qty @ \$10 each for LLC=s
- ☐ Good Standing Certificate () (Qty @ \$10 ea.)
- ☐ Expedite Good Standing (\$35.00 extra)
- ☐ Expedite Certified Copies (\$35.00 extra)

6. Total Payment Type: \$ 85.00

7. Other Special Instructions: _____

8. SELECT ONE RETURN DELIVERY OPTION : ☐ Mail ☒ Pick Up ☐ Fax # _____

9. The following individual should be called to pick up completed documents:

Name/Service Co/Preparer: Arthur O. Kelley, Jr. Phone: 884-5315

Preparer License # _____
(If applicable)



10. Please respond promptly to phone messages. Documents will be mailed if they are not picked up in a timely manner - approximately two weeks. In that event, the documents should be mailed to the following address:

Firm Name: _____ Attn: _____


Address: _____

City, State, Zip: _____

Pick-up by: _____ Date: _____
(FOR ACC USE ONLY. Do not fill in this box)

Current 2013 Pima County Assessor Property Inquiry**Search Parcel2014 Parcel2012 History Notice Card Tax *TaxBill*****Summary Genealogy**PARCEL 10216069A  

Appraiser Linda Chabot

 SPECIAL CHECK HELP

Supplemental Notice TaxYears: 2012

Book-Map-Parcel: 102-16-069A

TaxArea: 1035

TaxYear: 2013

TaxPayer Information

Recording Information

ORANGE GROVE PROPERTY LLC

Sequence 20072340654 Docket 13195 Page 3284

Date Dec-05-2007

1955 W GRANT RD STE 125G

TUCSON AZ

85745 1470

Miscellaneous

Section 11 * Twn13.0S Rng13.0E



LandMeasure 34176.00F

Description

MarketArea: NEW CASAS ADOBES (15)

Rule B District 3

RANCH HOUSE ESTATES LOT 1 EXC RD

Tract Block Lot 00001 GroupCode 000

CensusTract 4604 UseCode 0011 File-Id 1

2000 CensusTract 004617

Date of Last Change Apr-27-2011

Property Address 1341 W ORANGE GROVE RD (PC)

VACANT RESIDENTIAL URBAN SUBDIVIDED

Secondary Valuation Data

LegislativeClass

FullCash

Percentage

Assessed

Land Vacant/Ag/Golf(2 0)

\$115,000

16.0

\$18,400

Improvements None(0 0)

\$0

.0

2013 Personal Property

Gross Value Totals

\$115,000

16.0

\$18,400

2013 LMTD/SCND Exemptions

Net Value Totals

\$115,000

16.0

\$18,400

PriorLimitedValue: \$79,859

Current R.E. Ltd Value: \$88,644

Areas Condo Market 15

SFR District 5

SFR Neighborhood 20461710

MFR Neighborhood FW_WEST_NW

DOR Market 15

Limited Value Rule-N: 2012.Audit 2011.Audit

Recordings	Sequence #	Docket	Page	Instrument
	0	7069	448	()
	0	7664	1329	()
	89151065	8678	1139	()
	89155860	8686	708	()
	90038841	8757	904	()
	91052979	9033	889	()
	20011691075	11624	5521	()
	20011691076	11624	5524	()

20011691077	11624	5527	()
20011691078	11624	5528	()
20011780698	11633	2609	()
20072090916	13170	4316	()
20072090917	13170	4324	()
20081800223	13392	667	()
20102400732	13956	3461	(WARRANTY DEED)

Map Selections 11080.dwg 11080.PDF 11080.TIF

Pima County Assessor ~ 115 N. Church ~ Tucson Az. 85701

Public ~ 159.233.35.163 ~ www.asr2.pima.gov

Current 2013 Pima County Assessor Property Inquiry**Search Parcel2014 Parcel2012 History Notice Card Tax *TaxBill*****Summary Genealogy PRC**

PARCEL 102160700



Appraiser Linda Chabot

ADD SP CHK

SPECIAL CHECK HELP

Book-Map-Parcel: 102-16-0700

TaxArea: 1035

TaxYear: 2013

TaxPayer Information Chg

Recording Information

ORANGE GROVE PROPERTY LLC

Sequence 20072340654 Docket 13195 Page 3284

Date Dec-05-2007

1955 W GRANT RD STE 125G

WARRANTY DEED

TUCSON AZ

85745 1470

Miscellaneous

Section 11 * TwN13.0S Rng13.0E

PimaXpress

LandMeasure 1.00S

Description

MarketArea: NEW CASAS ADOBES (15)

Rule B District 3

RANCH HOUSE ESTATES LOT 2

Tract Block 0 Lot 00002 GroupCode 000

CensusTract 4604 UseCode 0011 File-Id 1

2000 CensusTract 004617

Date of Last Change Oct-02-2008

Property Address 1321 W ORANGE GROVE RD (PC)

VACANT RESIDENTIAL URBAN SUBDIVIDED

Secondary Valuation Data

LegislativeClass

FullCash

Percentage

Assessed

Land Vacant/Ag/Golf(2 0)

\$125.001

16.0

\$20,000

Improvements None(0 0)

\$0

.0

2013 Personal Property

Gross Value Totals

\$125.001

16.0

\$20,000

2013 LMTD/SCND Exemptions

Net Value Totals

\$125.001

16.0

\$20,000

PriorLimitedValue: \$97,123

Current R.E. Ltd Value: \$106.835

Areas Condo Market 15

SFR District 5

SFR Neighborhood 20461710

MFR Neighborhood FW_WEST_NW

DOR Market 15

Supervisor District (1) ANN DAY

Recordings	Sequence #	Docket	Page	Instrument
	0	7069	448	()
	0	7664	1329	()
	89151065	8678	1139	()
	89155860	8686	708	()
	90038841	8757	904	()
	91052979	9033	889	()
	20011691075	11624	5521	()
	20011691076	11624	5524	()
	20011691077	11624	5527	()

20011691078	11624	5528	()
20011780698	11633	2609	()
20072090916	13170	4316	()
20072090917	13170	4324	(DISCLAIMER DEED)
20081800223	13392	667	(WARRANTY DEED)

Appeals 1998(P)

Affidavit of Fee	Number	Parcels	SaleDate	PropertyType	TimeAdjSale\$	Sale\$	Cash\$	Validation
Sale	20072090916	2	10 2007	Vacant Land	\$300,000	\$300,000	N	W1 SB

0 (W1 = Buyer/Seller has an Out-Of-State Address)

Map Selections 11080.dwg 11080.PDF 11080.TIF

Pima County Assessor ~ 115 N. Church ~ Tucson Az. 85701

Public ~ 159.233.35.163 ~ www.asr2.pima.gov

To: Pima County Development Services Department
Planning Division
201 N. Stone Ave. 2nd floor
Tucson, AZ 85701

June 14, 2013

From: Peggy and Gina Genova
1340 W. Via Hacienda
Tucson, AZ 85704
Tel: (917)544-2912 or (520) 297-0440
Email: genova71@gmail.com

RECEIVED
JUN 14 2013
BY: JE.....

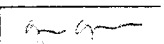
Re: Case C09-09-09 P/Z
Taxcode: 102-16-074A

For agenda/materials packet of June 26 public hearing.
Regarding our concerns for the proposed re-zoning and development of property for medical offices at 1321 and 1341 W. Orange Grove, behind our house:

1. The architect's plan to put a driveway into the property from north bound La Canada will be inside a right turning lane, which is dangerous.
2. No entrance is possible from the east, from Oracle, would need to make a U turn somewhere to get to this property.
3. There are many un-leased medial office spaces around this area of Tucson. This proposed office space is not special enough to suggest that it would draw tenants, whereas other nice office buildings in the same neighborhood are sitting empty for years, and investors in these properties have lost large quantities of money.
4. A large part of the land is currently home and support to many friendly wild creatures and plant varieties, including many mature saguaros. If the project fails, you have another asphalt parking lot that serves no purpose, causes extra heat in the surrounding area because of the lack of natural ground, and disruption of natural rain absorption, such as has happened with the similar development at 1288 W. Orange Grove Rd. since 2007.
5. My family was not contacted during the period of adding the re-zoning of 1321 and 1341 W. Orange Grove to the comprehensive plan many years ago. We are the closest property to the corner, and yet nobody contacted us until this month about the proposed office space. Neither we nor our lawyer was contacted, and we have had no knowledge about this proposed office development until now.
6. We would support the development of a business that would make better use of the natural land and be more in keeping with the elegance of this old neighborhood of Ranch House Estates.
7. We were told that the height of the buildings would not exceed 16' at the meeting this week, but in the notebook plan, the design map shows 24' height of both proposed buildings.
8. The sales materials offered by the current owner of the property claim that the property is 1.65 acres but the architect's plan for development claims 1.74 acres.

9. The hydrology report in the architect's plan fails to mention the drastic change of water flow coming through the Orange Grove Rd. culvert in response to the building of 1288 W. Orange Grove Rd. office complex. This culvert empties into the wash running through 1321 W. Orange Grove Rd. and continues onto our property at 1340 W. Via Hacienda. This additional runoff since the construction of 1288 W. Orange Grove in 2007 has caused heavy damage to the east and south sides of our property since that year. Prior to 2007, the drainage was largely absorbed by the desert, but after the offices were built, we took on much higher levels of water. According to HDR engineers, the county was aware of this and it authorized the permits in any case, without concern for the damage that it might cause to our residential property. The patterns of flow can be clearly seen in various aerial photos of this area going back to the 1970s and earlier, and up to the present day so there is no mystery to how, when, and why the damage started.
10. We understand from various rumors that the Orange Grove culvert is supposed to be removed, but we don't know when, and we haven't been notified officially about it. We were told by Pima County Development Services in 2010 that some compensation for the damage caused by 1288 W. Orange Grove Rd. was due to us, but when we applied for it, the Pima County attorney's office just said "no". The damage to our property continues with every heavy rain, and will continue until the culvert is removed.
11. The new proposed offices at 1321 and 1341 W. Orange Grove will need a higher level of drainage design than what was accomplished by the developers at 1288 W. Orange Grove, because we understand that it is illegal to increase the flow of water onto another's property and we expect this developer to adhere to legal and moral guidelines when building their new offices.
12. We expect to receive in writing some kind of confirmation that if this re-zoning takes place and the land is re-sold, that any transfer of development rights to this property of 1321 and 1341 Orange Grove will not change from the current proposal by Mr. Kramer and Mr. Kelley. If there are changes to this current proposal, we expect to be included in that correspondence and notification, within a reasonable period of time, not mere days before a hearing or important decision must be made.

Yours sincerely,


Peggy and Gina Genova JT/RS
1340 W. Via Hacienda
Tucson, AZ 85704
Genova71@gmail.com

C09-09-09
Additional
Public Comment

From: G. Genova <genova71@gmail.com>
nt: Friday, June 14, 2013 6:23 PM
To: Janet Emel
Subject: Re: Case C09-09-09 P/Z
Attachments: 1238WOrangeGrove.jpg

Dear Ms. Emel,

The only building in the office development on the northeast corner of La Canada and Orange Grove is the dentist, at 1238 W. Orange Grove (see photo attached). The rest of the building is empty and the entire rest of that development along Orange Grove, with 1288 W. etc. is just empty parking lots, no other buildings built yet. I called it 1238 in my letter because they (1238, 1288, etc.) all share the same "rainwater retention basin" as if they are all one property.

The basin design there was approved by Pima County permits, east of the whole block. The basin is upstream, and has been ineffective for absorbing any water that runs off the large parking lots to the west of it during storms. Two project engineers from HDR clued me in on how all the water from the parking lots goes towards Orange Grove, into the culvert that crosses Orange Grove and empties onto our property and onto our street Via Hacienda. They said they couldn't believe that was approved. We have at least \$5,000 worth of repairs to make on our driveway once the culvert is removed.

Laura Lane thought the county would be willing to help us with these costs since our property is being

Janet Emel

From: Robert Young (DOT)
Sent: Friday, June 14, 2013 4:41 PM
To: Janet Emel
Subject: RE: Case C09-09-09 P/Z

IN RESPONSE TO
G. GENOVA'S DOT
COMMENT

Janet:

My response to the two transportation questions.

1. The proposed driveway on La Canada does not meet standards and is not approved. If the engineer can demonstrate that the proposed driveway can function safely, a modification to the standards may be granted during the development plan process. Just because a driveway does not meet standards or is in the right turn lane does not mean it is unsafe.
2. This is true, the same as every other driveway that is restricted to right turns by a median.

Robert



FROM RFCD - PREVIOUS RESPONSE
TO COMPLAINTS



PIMA COUNTY
REGIONAL FLOOD CONTROL DISTRICT
97 EAST CONGRESS STREET, THIRD FLOOR
TUCSON, ARIZONA 85701-1797

SUZANNE SHIELDS, P.E.
DIRECTOR

(520) 243-1800
FAX (520) 243-1821

September 6, 2012

Peggy Genova
1340 W Via Hacienda
Tucson AZ 85704-2811

Subject: Complaint Number: 12-358—1340 W Via Hacienda

Dear Ms. Genova:

The Regional Flood Control District (District) has received your complaint dated August 1, 2012, has performed a site visit on August 8, 2012, and has evaluated available hydrologic and hydraulic information regarding the subject property and the erosion of your driveway that you reported occurred during a recent storm event. As a result of this evaluation, the following determinations have been made:

- 1) Although your property is not impacted by a regulatory floodplain, the District acknowledges that the southeastern portion of the property, which is traversed by a wash, has historically been prone to flooding as reported by you in the past. The Ranch House Estates subdivision in which you reside was platted in 1956, prior to the adoption of the Floodplain and Erosion Hazard Management Ordinance. As such, no information about watercourses impacting the subdivision is provided by the subdivision plat. Your residence was placed in a location on your parcel that should be free from flooding; however, other improvements such as landscaping and driveways are not subject to the same building codes and may be damaged as the result of natural flooding processes.
- 2) The driveway erosion that you reported appears to be the result of an unusually large or intense storm event. Mountain front watersheds are subject to highly localized rainfall events and as such, the discharge within them may vary greatly from year to year. In this case, the storm events of July 15 and July 29 appear to have released extremely intense rainfall over a large geographic area. While the intensity of the rainfall may have been something that you have experienced in the past, the large geographic distribution of the storms may have produced larger volumes of water than you have experienced before within the watershed impacting you property. The District cannot address or regulate development, especially existing development, with respect to all possible storm scenarios, and is limited in its authority to rectify the issues that have been identified due to lack of public drainage infrastructure in the area.
- 3) You stated that the Pima County Department of Transportation (DOT) may have created a violation of the Floodplain and Erosion Hazard Management Ordinance as a result of the current Orange Grove Road/La Canada Drive construction project. Although the District provides advice

Genova, 1340 W Via Hacienda

DC No. 12-358

September 6, 2012

Page 2 of 2

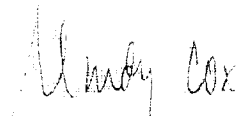
to DOT regarding drainage issues, the construction of public roadways is exempt from permitting requirements. Arizona Revised Statutes §48-3613.B.1 (and accordingly 16.12.020A of the Ordinance) explicitly exempts public roads from permitting, although the submittal of plans for review and comment are required. Therefore, a violation of the Ordinance has not occurred as the result of the DOT activity. The new roadway design should actually mitigate some of the drainage impacting your property by collecting flows on the north side of Orange Grove Road and conveying them to the Casas Adobes Wash.

The District evaluates each complaint for compliance with the Floodplain and Erosion Hazard Management Ordinance as well as the need to perform maintenance activity, if it involves public drainage infrastructure. In this case, the District has not found any Ordinance violations or public drainage infrastructure that requires maintenance. Based on these determinations, the District has concluded that no further action can be taken regarding this drainage issue.

If you have any questions regarding this letter, please contact our office at 243-1800.

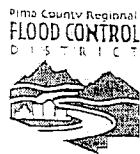
Thank you for your cooperation.

Sincerely,



Mindy Cox, CFM, Senior Hydrologist
Floodplain Management Division

cc: Eric Shepp, P.E., Manager, Floodplain Management Division



PIMA COUNTY
REGIONAL FLOOD CONTROL DISTRICT
97 EAST CONGRESS STREET, THIRD FLOOR
TUCSON, ARIZONA 85701-1797

SUZANNE SHIELDS, P.E.
DIRECTOR

(520) 243-1800
FAX (520) 243-1821

September 21, 2007

Peggy Genova
1340 W Via Hacienda
Tucson, AZ 85704

Subject: Complaint Number: 07-463— 1340 W Via Hacienda

Dear Ms Genova:

The Regional Flood Control District (District) has received your complaint, dated August 29, 2007, has performed a site visit on September 18, 2007, and has evaluated available hydrologic and hydraulic information regarding the wash on the subject property. As a result of this evaluation, the following determinations have been made:

- 1) The Ranch House Estates subdivision in which you reside was platted in 1956, which is prior to adoption of a floodplain ordinance. As a result, the subdivision plat does not identify any watercourses that impact the subdivision, including the one watercourse that impacts your property.
- 2) The development plan for the Orange Grove Office Park was designed in accordance with the provisions of the Ordinance and all associated policies and standards, and is being constructed in accordance with the approved plans. It does not appear that the construction deviated from the approved plans. Based on the design information, the post-development peak discharge leaving this site does not significantly exceed the pre-development values.
- 3) The recent flooding on your property appears to be the result of an unusually large or intense storm event. Unfortunately, when events like these do happen, the District is limited in its authority to rectify the issues that have been identified, such as driveway erosion, due to lack of public drainage infrastructure in the area.
- 4) Due to the floodprone nature of your property, it is recommended that you obtain flood insurance coverage for your residence. The location of the property outside of a Special Flood Hazard Area adopted by the Federal Emergency Management Agency allows you to obtain coverage at reduced premiums. For your information, your property is located in a Zone X flood hazard zone.

The District evaluates each complaint for compliance with the Floodplain and Erosion Hazard Management Ordinance as well as the need to perform maintenance activity, if it is public drainage infrastructure. In this case, the District has not found any Ordinance violations or public drainage

Complaint Number: 07-463— 1340 W Via Hacienda

September 21, 2007

Page 2 of 2

infrastructure that requires maintenance. Based on these determinations, the District has concluded that no further action can be taken regarding the wash on the subject property.

If you have any questions regarding this letter, please contact our office at 243-1800.

Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to be 'ES' followed by a long horizontal flourish.

Eric Shepp, Manager
Floodplain Management Division