



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: May 18, 2021

Title: Co9-88-80 LONDON – ORACLE ROAD REZONING

Introduction/Background:

The applicant requests five (5), five-year time extensions of the 3.2-acre rezoning from the GR-1 (GZ) (Rural Residential - Gateway Overlay) to the CB-2 (GZ) (General Business - Gateway Overlay) zone. A Proposal to close the rezoning case is required to be considered per code prior to approval of a time extension.

Discussion:

The applicant cites that when rezoned there was no viable development opportunities and the recession in the 2000's brought a further decline in economic activity. The recent economic growth has encouraged development for this site. Staff supports the rezoning time extensions since the use for commercial/retail development remains appropriate at this location and it also forms to the Multi-Functional Corridor comprehensive plan designation.

Conclusion:

A time extension is warranted due to the historical economic recession. The proposed commercial/retail development use in conjunction with existing services remain a suitable land use for the area. The recommended original and modified conditions update certain conditions to current standard language and policy treatment. The time extension will allow a total of 33 years to complete rezoning conditions.

Recommendation:

Staff recommends denial of closure and approval of a five (5), five-year time extensions subject to original and modified standard and special conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services Department - Planning Telephone: 520-724-8800

Contact: Donna Spicola, Planner Telephone: 520-724-9513

Department Director Signature/Date: [Signature] 4/26/2021

Deputy County Administrator Signature/Date: [Signature] 4/27/2021

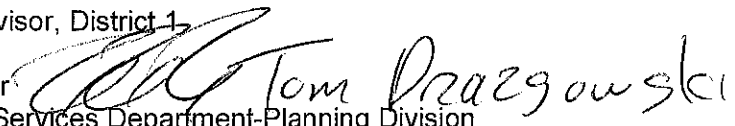
County Administrator Signature/Date: [Signature] 4/27/21



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Rex Scott, Supervisor, District 1

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



DATE: April 27, 2021

SUBJECT: Co9-88-80 LONDON – ORACLE ROAD REZONING

The above referenced **Rezoning Closure/Time Extension** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MAY 18, 2021** hearing.

****This case will require 2 separate votes.****

- REQUEST:**
- A. Proposal to **close** Co9-88-80, on an approximately 3.2-acre rezoning from the GR-1 (GZ) (Rural Residential – Gateway Overlay) to the CB-2 (GZ) (General Business – Gateway Overlay) zone, located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, addressed as **15801 and 15803 N. Oracle Road**. This rezoning was conditionally approved on February 7, 1989 and expired on February 7, 1997. If closed, zoning will revert to the GR-1 (GZ) zone; and if not closed,
 - B. Five (5) five-year **time extensions** of an approximately 3.2-acre rezoning from the GR-1 (GZ) (Rural Residential – Gateway Overlay) to the CB-2 (GZ) (General Business – Gateway Overlay), located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, addressed as **15801 and 15803 N. Oracle Road**.

OWNERS: Nanberry Investments Profit Sharing Plan 37.5%, et al.
PO Box 31058
Tucson AZ 85751

AGENT: Perry Engineering, LLC
Attn: Ken Perry, P.E., LEED AP, Principal
501 W. Wetmore Road
Tucson, AZ 85705

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of April 27, 2021, staff has received no written public comments.

STAFF RECOMMENDATION: A) AGAINST CLOSURE. B) APPROVAL OF FIVE (5), FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: A portion of the subject property is within the Maeveen Marie Behan Conservation Land System (CLS).

TD/DS

Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-88-80

Page 1 of 8

FOR TUESDAY, MAY 18, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: April 27, 2021

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE/TIME EXTENSION

A. Rezoning Closure

Co9-88-80 LONDON – ORACLE ROAD REZONING

Proposal to **close** Co9-88-80, on an approximately 3.2-acre rezoning from the GR-1 (GZ) (Rural Residential – Gateway Overlay) to the CB-2 (GZ) (General Business – Gateway Overlay) zone, located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, addressed as **15801 and 15803 N. Oracle Road**. This rezoning was conditionally approved on February 7, 1989 and expired on February 7, 1997. Staff recommends **AGAINST CLOSURE**.
(District 1)

B. Rezoning Time Extension

Co9-88-80 LONDON – ORACLE ROAD REZONING

Newberry Investments Profit Sharing, et al., represented by Perry Engineering, requests five (5), five-year **time extensions** for the above referenced rezoning from the GR-1 (GZ) (Rural Residential – Gateway Overlay) to the CB-2 (GZ) (General Business – Gateway Overlay) zone. The subject site was rezoned in February 1989 and approved for rezoning time extension in August 1993. The site is approximately 3.2 acres located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, addressed as **15801 and 15803 N. Oracle Road**. Staff recommends **APPROVAL OF FIVE (5) FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 1)

STAFF RECOMMENDATION

Staff recommends **DENIAL of closure** of the rezoning and **APPROVAL of five (5), five-year time extensions** to February 7, 2022 as per the applicant's request from the GR-1 (GZ) (Rural Residential – Gateway Overlay) to the CB-2 (GZ) (General Business – Gateway Overlay) zone on approximately 3.2 acres subject to original and modified standard special conditions as follows:

1. ~~Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control.~~
2. ~~Submittal of a development plan if determined necessary by the appropriate County agencies.~~
3. ~~Dedication of necessary right of way for roads and drainage by separate instrument if the property is not to be subdivided.~~
4. ~~Recording an acceptable plat which will provide for dedication of necessary right of way for roads and drainage if the property is to be subdivided.~~
5. ~~Recording a covenant holding Pima County harmless in the event of flooding.~~
61. ~~Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control.~~
7. ~~Conformance with Chapter 18.81 (GRADING) of the Pima County Zoning Code.~~
8. ~~Recording the necessary development related covenants as determined appropriate by the various County agencies.~~
9. ~~Provision of development related assurances as required by the appropriate agencies.~~
102. ~~Recording a covenant to the effect that ~~There will~~ shall be no further subdividing or lot splitting without the written approval of the Board of Supervisors.~~
443. Regional Wastewater Reclamation Management Condition:
 - A. ~~Connection to the public sewer system at the location and specified by Wastewater Management at the time of review of the tentative plat or development plan.~~
 - B. ~~The property owner or his agent must construct the on-site sewers in a manner that will provide flow through for tributary areas at points and with capacities as specified by Wastewater Management at the time of review of the tentative plat or development plan. The public flow through sewer must be designed and constructed in conformance with the applicable Pima County standards, and must be completed, inspected, and released for service prior to the issuance of any building permits.~~
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) 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(s) shall enter into a written agreement addressing 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(s) 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(s) 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(s) 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(s) 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.
124. Transportation conditions:
- A. Proposed access to the subject property shall need the approval of the Subdivision Engineer, Pima County Department of Transportation, prior to the submittal of a development plan or subdivision plat for any portion of the subject property.
 - BA. Access to the subject property from Tucson-Florence Highway shall need written approval by Arizona Department of Transportation (ADOT) prior to issuance of a Certificate of Compliance development plan approval. Proof of coordination with ADOT shall be submitted to Development Services Department.
 - GB. A written certification from the Arizona Department of Transportation stating satisfactory compliance with all of its requirements shall need to be submitted to the Department of Transportation prior to the issuance of a Certificate of Compliance Development Services Department prior to development plan approval.
 - DC. Owner shall covenant to provide and establish joint use access easement with adjacent properties to the north and to the south if deemed necessary by Pima County in order to allow for a continuous common (two-way) access lane across the property and running parallel to Tucson-Florence Highway. The location and design of said joint access easement shall be determined during the development plan permitting process.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
13. Flood Control conditions:
- A. The property owner must dedicate all rights-of-way and/or grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.
 - B. The property owner must submit all required drainage reports and plans, and receive approval by the Flood Control District prior to the issuance of a Certificate of Compliance. In developing the reports and plans, the requirements and regulations incorporated in the following reports must be satisfied:
 - 1. Floodplain Management Ordinance
 - 2. Drainage and Channel Design Standards
 - 3. Flood Control Policies
 - 4. Detention/Retention Manual

- G. ~~On-site retention of the difference between the existing and the five (5) year event will be required because of the requested land use and density.~~
5. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
6. Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.
- | <u>Invasive Non-Native Plant Species Subject to Control</u> | |
|---|---|
| <u><i>Ailanthus altissima</i></u> | <u>Tree of Heaven</u> |
| <u><i>Alhagi pseudalhagi</i></u> | <u>Camelthorn</u> |
| <u><i>Arundo donax</i></u> | <u>Giant reed</u> |
| <u><i>Brassica tournefortii</i></u> | <u>Sahara mustard</u> |
| <u><i>Bromus rubens</i></u> | <u>Red brome</u> |
| <u><i>Bromus tectorum</i></u> | <u>Cheatgrass</u> |
| <u><i>Centaurea melitensis</i></u> | <u>Malta starthistle</u> |
| <u><i>Centaurea solstitialis</i></u> | <u>Yellow starthistle</u> |
| <u><i>Cortaderia</i> spp.</u> | <u>Pampas grass</u> |
| <u><i>Cynodon dactylon</i></u> | <u>Bermuda grass (excluding sod hybrid)</u> |
| <u><i>Digitaria</i> spp.</u> | <u>Crabgrass</u> |
| <u><i>Elaeagnus angustifolia</i></u> | <u>Russian olive</u> |
| <u><i>Eragrostis</i> spp.</u> | <u>Lovegrass (excluding <i>E. intermedia</i>, plains lovegrass)</u> |
| <u><i>Melinis repens</i></u> | <u>Natal grass</u> |
| <u><i>Mesembryanthemum</i> spp.</u> | <u>Iceplant</u> |
| <u><i>Oncosiphon piluliferum</i></u> | <u>Stinknet</u> |
| <u><i>Peganum harmala</i></u> | <u>African rue</u> |
| <u><i>Pennisetum ciliare</i></u> | <u>Buffelgrass</u> |
| <u><i>Pennisetum setaceum</i></u> | <u>Fountain grass</u> |
| <u><i>Rhus lancea</i></u> | <u>African sumac</u> |
| <u><i>Salsola</i> spp.</u> | <u>Russian thistle</u> |
| <u><i>Schinus</i> spp.</u> | <u>Pepper tree</u> |
| <u><i>Schismus arabicus</i></u> | <u>Arabian grass</u> |
| <u><i>Schismus barbatus</i></u> | <u>Mediterranean grass</u> |
| <u><i>Sorghum halepense</i></u> | <u>Johnson grass</u> |
| <u><i>Tamarix</i> spp.</u> | <u>Tamarisk</u> |
447. Landscaping to consist of low water use and low pollen producing vegetation.
458. Tentative plat or development plan when filed per Chapter 18.69 must adhere Adherence to the preliminary development plan as presented approved at public hearing.
469. No more than one (1) parcel.
4710. Heights shall be limited to two stories or 24 feet in height.
11. 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.

12. 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)."

Original condition #'s 2, 3 and 9 are recommended for deletion as they are no longer recommended as standard rezoning conditions as a measure to reduce redundant requirements and ease processes. Pertaining to condition #'s 1 and 7, a code requirement is no longer added as a rezoning condition while recorded covenants required by condition #'s 5, 8, and the covenant portion of #10 are met through the development process and permit conditions eliminating the need as rezoning conditions.

Modified and renumbered conditions #2A-F reflect current Regional Wastewater Reclamation conditions.

Modified and additional conditions which are renumbered #3A-D are recommended by the Transportation Department to meet current requirements.

Original Flood Control conditions #1, 5 and 13A-C are recommended for deletion since they are addressed by the code adopted since the time of the original rezoning.

The aforementioned recommendations are relatively standard adjustments to the list of standard and common conditions for rezoning time extensions along with the addition of conditions 5, 9, 11 and 12.

The recommended modifications to conditions do not constitute a substantial change, which would require review by the Planning and Zoning Commission.

STAFF REPORT:

Closure

Staff recommends against closure of the rezoning, but closure must be considered prior to consideration of a time extension because a time extension was not requested prior to the case expiration date of February 7, 1997, and because it has been more than 10 years since the date of rezoning approval on February 7, 1989. The Pima County Zoning Code requires consideration of closure in either of these instances. The initial time limit for approved rezonings is recommended by staff at five years; and five years is typically the maximum interval of staff recommended time extensions. Because of the continued appropriateness of proposed commercial/retail use at the site's location, staff does not support closure of the rezoning.

Time Extension

Staff supports five (5), five-year time extension request, which if approved, will provide a total of 33 years to complete rezoning conditions for the approximately 3.2 acres from the initial February 7, 1989 rezoning approved by the Board. The new expiration date for this case will be February

7, 2022.

The rezoning conforms to the Multifunctional Corridor (MFC) Comprehensive Plan land use designation and the proposed use for commercial/retail development remains suitable at this location. The site is not subject to any special area or rezoning policy. The rezoning meets all concurrency criteria (although staff received no comments from Tucson Water). A portion of the site is located within the Maeveen Marie Behan Conservation Lands System Important Riparian Area.

The applicant states, "In the late 1990's when the client had the parcel rezoned, there was no viable development opportunities for the parcel and then the early 2000's recession brought an even further decline in economic activity. The economic growth in recent years has encouraged our client to develop the parcel."

The approved rezoning preliminary development plan shows a 28,100 square-foot retail center to service the commercial needs of existing and future residents of the area.

The subject property is located on the west side of N. Oracle Road, approximately 650 feet north of Lupine Place. The site remains vacant and in its mostly undisturbed natural condition since rezoning approval. Desert scrub is the primary vegetation on the site.

The original 3.2-acre rezoning request to CB-2 (GZ) conflicted with the original land use plan (Lago Del Oro Zoning Plan) but conformed with the comprehensive plan. The rezoning was approved in February 1989 and the Board adopted ordinance 1993-102 memorializing the standard and special conditions. The Board also approved one time extension in 1993 providing an expiration date of February 7, 1997.

Staff supports the rezoning time extensions since commercial/retail use is appropriate under the CB-2 zoning and is compatible with the MFC comprehensive plan designation.

Denial of the time extension will cause the site to revert to unrestricted GR-1 (GZ) zoning which would not conform to the MFC plan designation. The minimum density requirement within MFC is 6/RAC. At 139,392 square feet, the gross allowance of residences under GR-1 is three. Closure of the rezoning would not preclude the possibility of a future CB-2 (GZ) rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CB-2 (GZ)	Bank / Fast food restaurants
South:	CB-2 (GZ)	Motor Home Storage
East:	CB-1 (GZ)	Café/Vacant Land
West:	RH	Undeveloped State Land

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	Subject to conditions
FLOOD CONTROL	Yes	Comments

CONCURRENCY CONSIDERATIONS		
WASTEWATER	Yes	Subject to conditions
WATER	No response received.	No conditions

TRANSPORTATION DEPARTMENT REPORT:

The site is directly adjacent to N. Oracle Road (State Route 77). Oracle Road is a 6-lane paved roadway with raised medians and multiuse paths under the jurisdiction of the Arizona Department of Transportation (ADOT). Oracle Road is a Principal Arterial per ADOT's Statewide Federal Functional System map.

The number, location and design of access point(s) to the site from Oracle Road will require coordination with the ADOT, the owning jurisdiction, prior to development plan approval. Therefore, original rezoning condition #12A is recommended to be removed. Per Pima Prosper, the rezoned site is within a Multifunctional Corridor (MFC). The objective of the MFC is to designate areas for the integrated development of complementary uses along major transportation corridors. The MFC designation serves a similar purpose as the Community Activity Center (CAC) plan designation. These areas contain commercial and other non-residential use services, research and development and similar uses (as delineated in the Campus Park Industrial zoning district) and medium to high density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards, in the zoning code and design manuals such as standards for access management, building setbacks, open space, signs, parking, and landscaping.

The Department of Transportation is against the closure of rezoning case Co9-88-80 and has no objection to the rezoning time extension subject to modifications and additions to the rezoning conditions as listed under renumbered conditions #4A-D.

REGIONAL FLOOD CONTROL DISTRICT REPORT:

The Pima County Regional Flood Control District has reviewed this request. The site does not include FEMA Floodplain although a small area of Pima County Regulated Riparian Habitat is located at the far western edge of the property. The approved PDP does not show site drainage and it may be feasible to shift the building eastward to avoid this habitat at the time of development. However, the District has no objection to the Time Extension and recommends that Conditions 1, 5, and 13 may be stricken as these issues are addressed by code adopted since the time of the original rezoning. Furthermore the term "and drainage" may be removed from Condition 3.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for five-year time extensions for the above-referenced rezoning case that was conditionally approved in 1989 and approved for time extension in 1993. The site remains vacant, located on the west side of Oracle Road approx. 650 feet north of Lupine Place.

The subject property is within the PCRWRD service area. The sewer service, subject to approval, is available within an existing 12-inch sewer main in Oracle Road.

PCRWRD has no objection to the request for rezoning time extension but recommends the current wastewater rezoning conditions as listed in rezoning Ordinance 1993-102, adopted August 3, 1993 by the Board of Supervisors, be replaced with the conditions listed in renumbered conditions #3A-F.

UNITED STATE FISH AND WILDLIFE SERVICE COMMENTS:

Staff has not received a response to a request for comments.

TUCSON ELECTRIC POWER

Staff has not received a response to a request for comments.

TUCSON WATER COMPANY

Staff has not received a response to a request for comments.

GOLDER RANCH FIRE DISTRICT

Staff has received a response to a request for comments. Although they have no comments for the rezoning time extension request, the district advises an investigation may be needed regarding the availability of the water supply for flow reasons. The service provider may be either Tucson Water or Lago Del Oro Water and the district is uncertain about the availability of a water main along Highway 77 Oracle Road near this parcel.

SUN TRAN

Staff has not received a response to a request for comments.

PUBLIC COMMENTS:

As of April 27, 2021, staff has received no written public comments.

TD/DS

Attachments

cc: Perry Engineering, LLC, Attn: Ken Perry, P.E. Leed AP, Principal, 501 W. Wetmore Road,
Tucson, AZ 85705
Tom Drzazgowski, Chief Zoning Inspector
Co9-88-80 File



Case #: Co9-88-80
Case Name: LONDON - ORACLE ROAD REZONING
Tax Code(s): 222-21-0430

AERIAL EXHIBIT






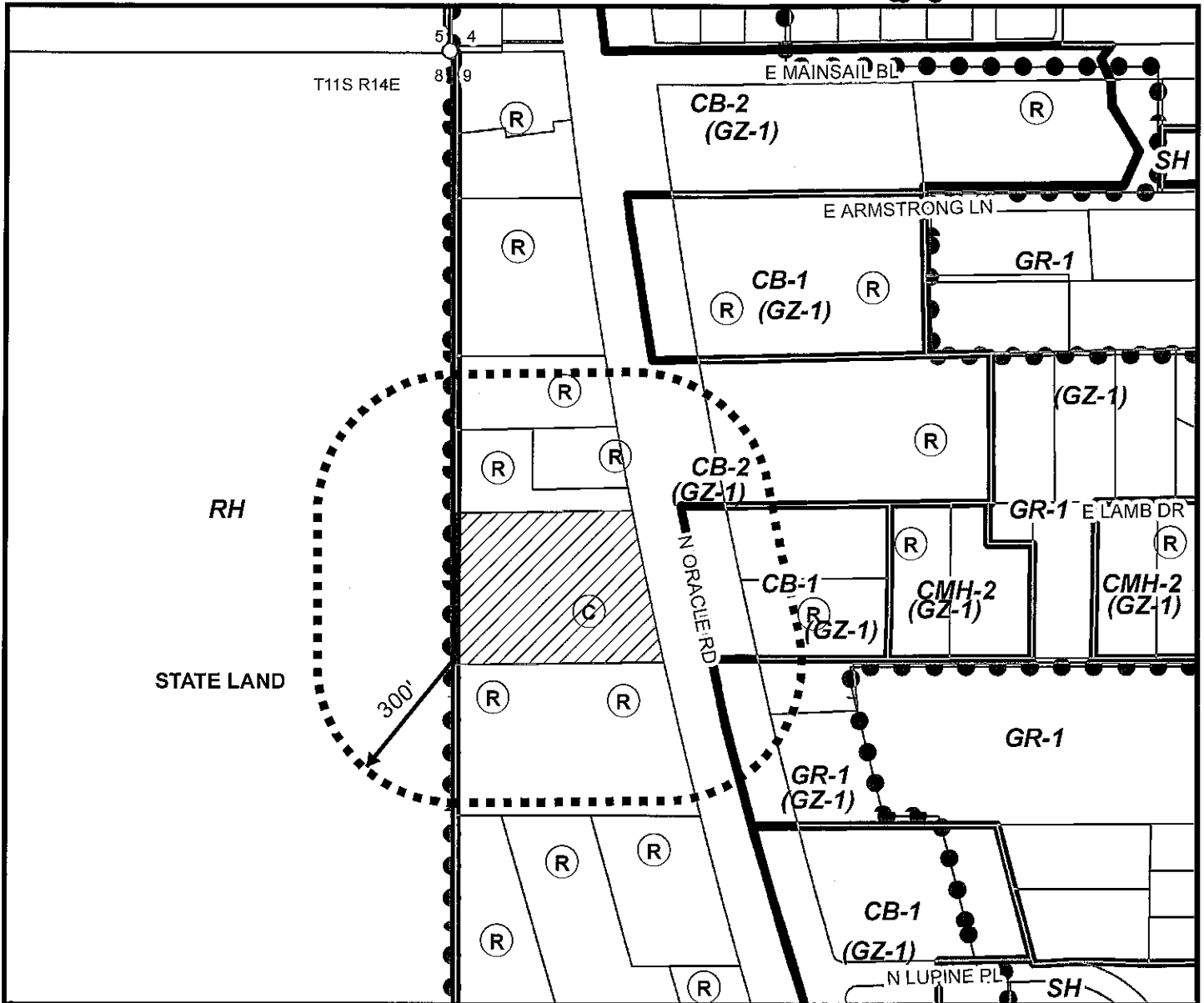
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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

 PIMA COUNTY DEVELOPMENT SERVICES	Notes: Rezoning Closure/Time Extension			
	PIMA COUNTY COMPREHENSIVE PLAN C07-13-10			
	Board of Supervisors Hearing: 5/18/2021	Ref Case #: P21SA00002		
	Base Map(s): 519, 432	Map Scale: 1:4,000	Map Date: 4/16/2021 - ds	



Case #: Co9-88-80
Case Name: LONDON - ORACLE ROAD REZONING
Tax Code(s): 222-21-0430

 300' Notification Area
 Subject Property
 Gateway Overlay Zone (GZ-1)



0 145 290 580 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

 PIMA COUNTY DEVELOPMENT SERVICES	Notes: Rezoning Closure/Time Extension			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Board of Supervisors Hearing: 5/18/2021		Ref Case #: P21SA00002	
	Base Map(s): 519, 432	Map Scale: 1:4,000	Map Date: 4/16/2021 - ds	



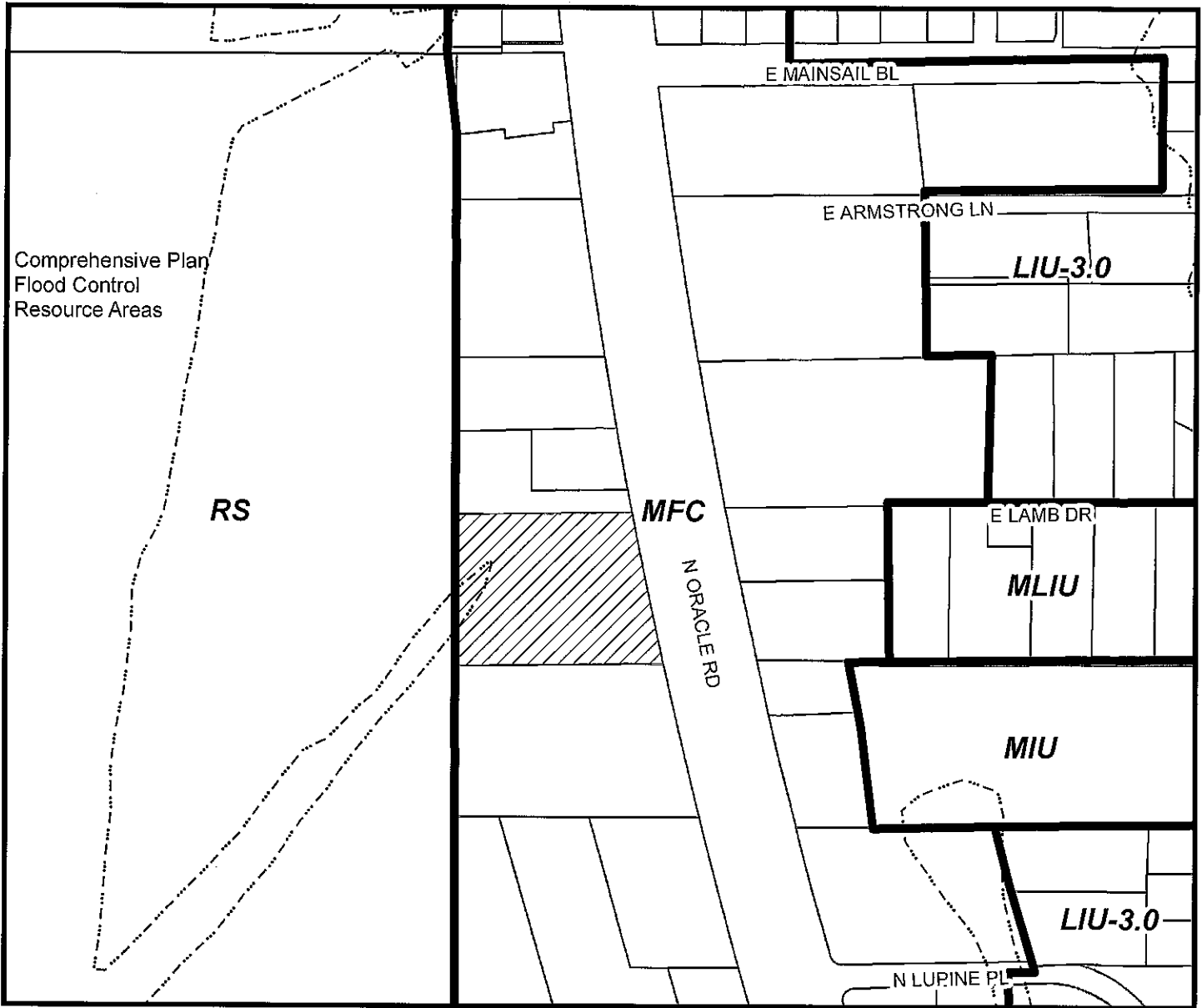
Multifunctional Corridor (MFC)

Objective: To designate areas for the integrated development of complementary uses along major transportation corridors. The MFC designation serves a similar purpose as the CAC plan designation. These areas contain commercial and other non-residential use services, research and development and similar uses (as delineated in the CPI zoning district) and medium to high density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards, in the zoning code and design manuals such as standards for access management, building setbacks, open space, signs, parking, and landscaping.



- Residential Gross Density: (if applicable) Minimum- 6 RAC; Maximum- as allowed by the requested conforming zoning district
- Residential Gross Densities for TDR Receiving Areas: Minimum- 6 RAC; Maximum- 18 RAC

Case #: Co9-88-80
Case Name: LONDON - ORACLE ROAD REZONING
Tax Code(s): 222-21-0430

COMPREHENSIVE PLAN EXHIBIT



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

 PIMA COUNTY DEVELOPMENT SERVICES	Notes: Rezoning Closure/Time Extension		
	PIMA COUNTY COMPREHENSIVE PLAN C07-13-10		
	Ref Case #: P21SA00002		
	Map Scale: 1:4,000	Map Date: 4/16/2021 - ds	

March 4, 2021

PERRY
ENGINEERING

Donna Spicola
Pima County Development Services
201 N. Stone Ave.
Tucson, AZ 85701

**RE: Co9-88-80 Landon – Oracle Road Rezoning
Time Extension Request**

Dear Donna:

The purpose of this letter is to request a time extension of the rezoning of Pima County Assessor Parcel No. 222-21-0430. The Pima County Board of Supervisors adopted Ordinance No. 1993-102 in August 1993 which granted conditional approval of the rezoning of the approximate 3.2-acre parcel to CB-2. The parcel remains vacant and is still owned by Nanberry Investments Profit Sharing with a current mailing address of PO Box 31058, Tucson, 85751.

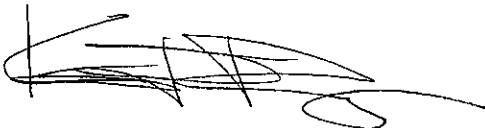
Attached please find the following items in support of the time extension request.

1. Letter of Agent Authorization signed by Gregory Galdi
2. Letter of Agent Authorization signed by Joseph Galdi
3. Letter of Agent Authorization signed by Barry Kitay, Trustee of the Nanberry Investments Profit Sharing Plan
4. Biological Impact Report prepared by Bowers Environmental Consulting

Our client is prepared to make the applicable time extension application fee once invoiced. Please let us know if you have any questions or need additional information.

Sincerely,

PERRY ENGINEERING, LLC

A handwritten signature in black ink, appearing to read 'Ken Perry', with a stylized flourish at the end.

Ken Perry, PE, LEED AP
Principal



Building & Site Development
201 N. Stone Avenue, 1st Floor
Tucson, AZ 85701-1207

LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

15803 North Oracle Road, Catalina, Arizona

Property Address

Rezoning extension

Type of Permit Applied for: *(SFR/MF/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Secondary Dwelling/Assisted Living Home/Group Home)*

Kenneth D. Perry

04/08/2021

Signature of Applicant

Date

AUTHORIZED BY:

Signature of Property Owner

4-8-21

Date

Per Board of Technical Registration and Registrar of Contractors regulation, Registrants and Licensed Contractors may apply for building permits without use of this form.



LETTER OF AUTHORIZATION

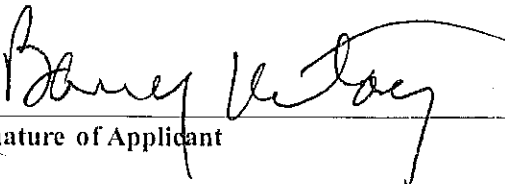
As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

15803 N. Oracle Road, Catalina, AZ

Property Address

Rezoning


Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)


Signature of Applicant

3-2-2021

Date

AUTHORIZED BY:


Signature of Property Owner
NANBARRY INVESTMENTS
PROFIT SHARING PLAN

3-3-21

Date



LETTER OF AUTHORIZATION

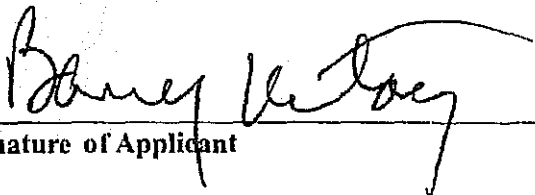
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Property Address

Rezoning

Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)


Signature of Applicant

3-2-2021

Date

AUTHORIZED BY:


Signature of Property Owner

3/3/2021
Date



LETTER OF AUTHORIZATION

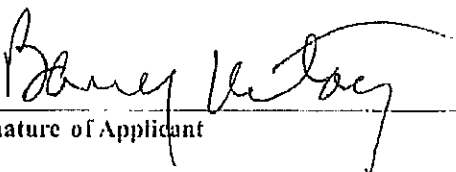
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15803 N. Oracle Road, Catalina, AZ

Property Address

Rezoning

Type of Permit Applied for: (SFR/MHI/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)


Signature of Applicant

3-2-2021

Date

AUTHORIZED BY:


Signature of Property Owner

3-3-2021

Date

BIOLOGICAL IMPACT REPORT

Pima County Parcel No.

222-21-0430

CATALINA, ARIZONA

Prepared for:

Nanbarry Investments Profit Sharing Plan

6236 E. Pima Street, Suite 170

Tucson, Arizona 85712

Prepared by:

BOWERS
Environmental Consulting

4502 W. Ironwood Hill Drive

Tucson, Arizona 85745

February 27, 2021

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INTRODUCTION

Whirlygig Properties, LLC retained Bowers Environmental Consulting, LLC to prepare this Biological Impact Report (BIR) to support a rezoning application for the 3.2-acre undeveloped property located at 15830 N. Oracle Road, Catalina, Pima County, Arizona. The 3.2-acre property is composed of Pima County Assessor's parcel # 222-21-0430. The current zone is GR-1 (Rural Residential Zone). The proposal is to rezone the 3.2-acre property to CB-2 (General Business Zone).

A site visit was conducted on February 24, 2021, and the Pima County Sonoran Desert Conservation Plan (SDCP) MapGuide website was consulted on February 26, 2021, to determine the absence or presence of biological resources on-site, pursuant to the document entitled Pima County Development Services Biological Impact Report Guidelines, issued by Pima County (March 2010). We also reviewed the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) website to obtain a current list of threatened and endangered species that may occur on the property or vicinity.

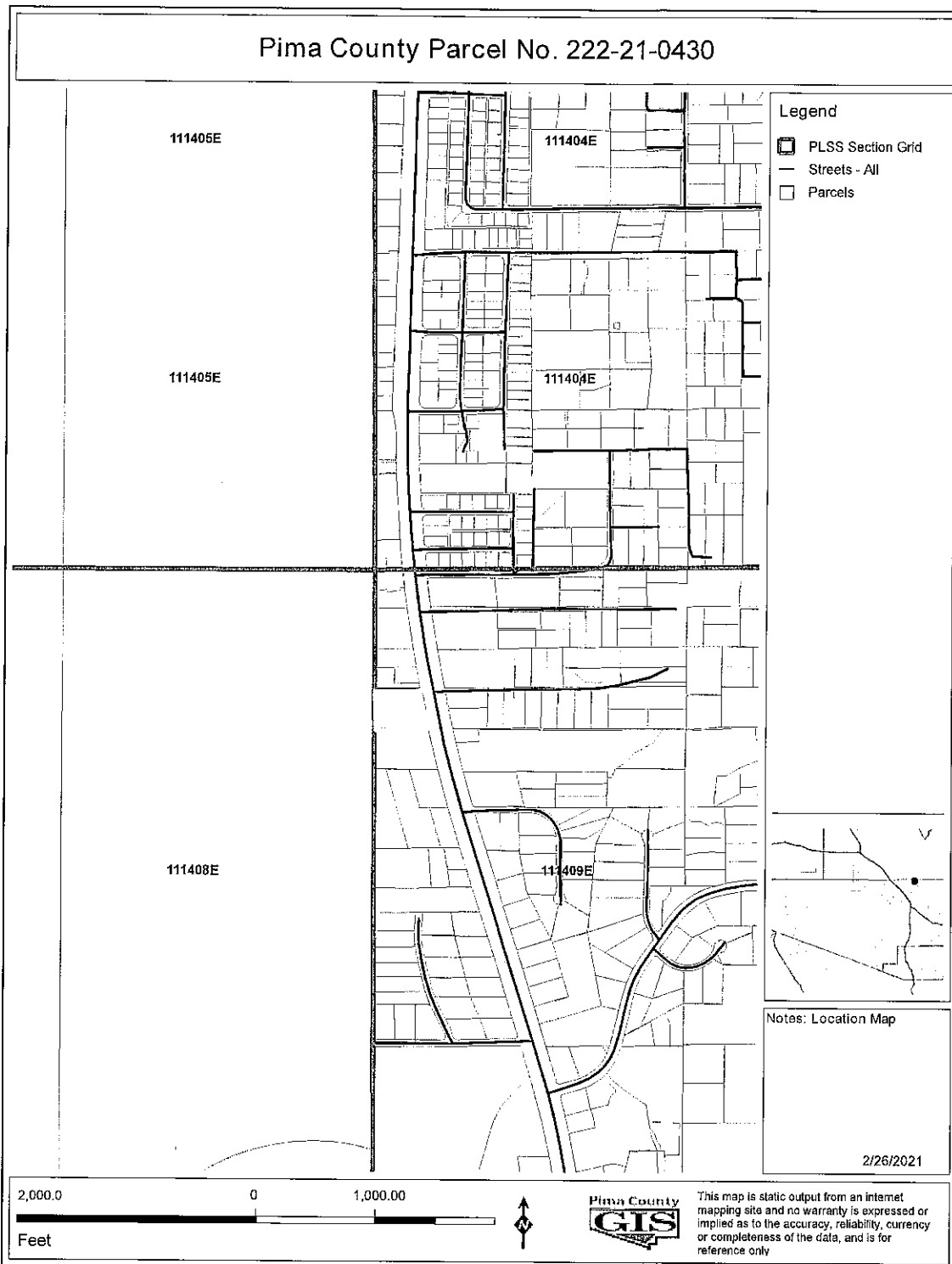
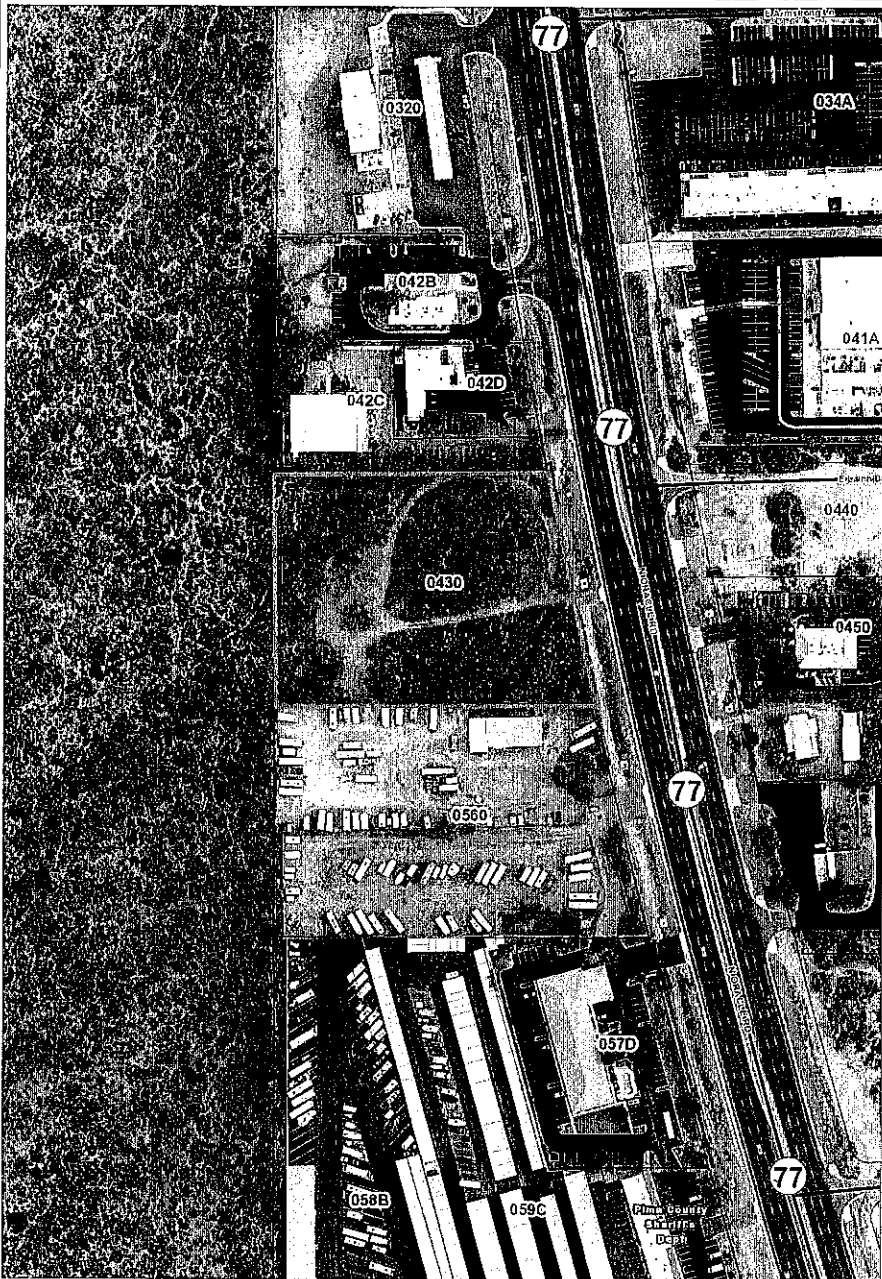


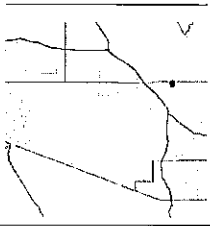
Exhibit 1. Project Location Map

Pima County Parcel No. 222-21-0430



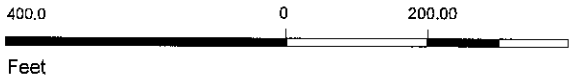
Legend

- Streets - All
- Parcels
- Parcel IDs



Notes: Aerial Map

2/26/2021



This map is static output from an internet mapping site and no warranty is expressed or implied as to the accuracy, reliability, currency or completeness of the data, and is for reference only

Exhibit 2. Aerial Map

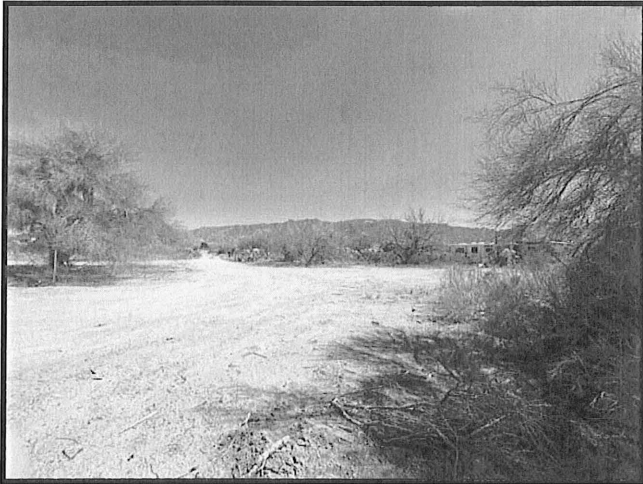


Photo 1. View east from west side.

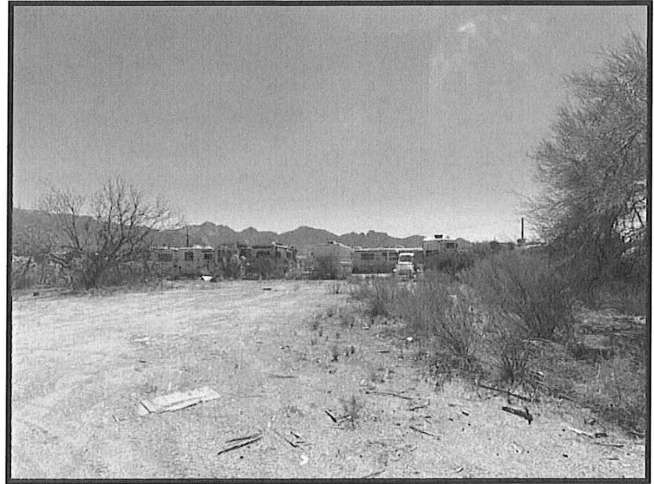


Photo 2. View south from center.

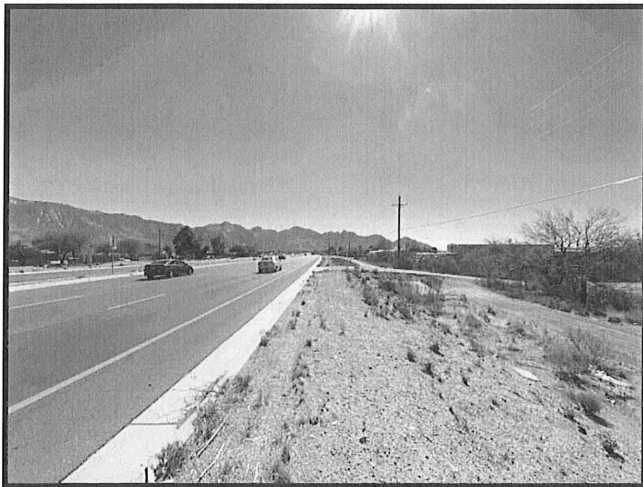


Photo 3. View South along Oracle Rd.



Photo 4. View west from Oracle Rd.

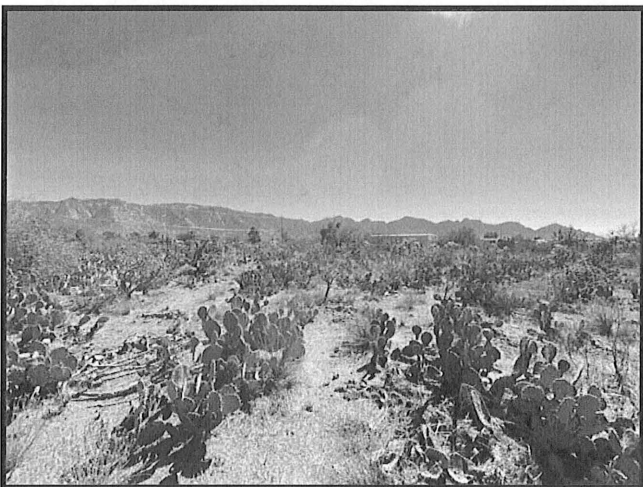


Photo 5. View southwest from center.



Photo 6. View west property boundary.

Exhibit 3. Site Photograph

A. LANDSCAPE RESOURCES**1. Conservation Land System**

According to the Maeveen Marie Behan Conservation Land System (CLS) information provided in the SDCP MapGuide web site, approximately 4,790 square feet of this site is designated as Important Riparian Area.

2. Critical Landscape Linkages

According to the CLS information provided on the SDCP MapGuide web site, this site is not located within any areas designated as Critical Landscape Linkages.

3. Habitat Protection or Community Open Space

According current SDCP MapGuide, the site is not located within Community Open Space or Habitat Protection Priorities areas.

B. FEDERALLY LISTED THREATENED AND ENDANGERED SPECIES

The U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) website was accessed on February 26, 2021 to identify potential threatened or endangered species that may occur on the property or vicinity (Attachment 1). Seven species are identified as potentially occurring in the vicinity of the property. During the site visit, we did not identify any of these species, and the existing vegetation and habitat features would not be considered suitable or critical habitat. None of the six endangered species or the candidate species occurs on the property.

Species specific information for the Cactus ferruginous pygmy owl, Western burrowing owl, Pima pineapple cactus, and Needle-spined pineapple cactus is provided below.

Cactus Ferruginous Pygmy-Owl

CFPO is not currently listed as threatened or endangered by the U.S. Fish and Wildlife Service in Arizona.

1. CFPO Priority Conservation Area

According to the current SDCP MapGuide, the project site does not occur within the CFPO Priority Conservation Area.

2. CFPO Survey

A survey for CFPO has not been conducted at this site

a. Survey Date:

Not applicable.

b. Future surveys

No CFPO surveys are planned at this time.

Western Burrowing Owl

Burrowing owls are not currently listed as threatened or endangered by the U.S. Fish and Wildlife Service in Arizona.

1. Western Burrowing Owl Priority Conservation Areas

According to the current SDCP MapGuide, the project site does not occur within the CFPO Priority Conservation Area.

2. Western Burrowing Owl Survey

No western burrowing owl surveys have been conducted.

a. Survey Date:

Not applicable.

b. Future surveys

No burrowing owl surveys are planned at this time.

Pima Pineapple Cactus

1. Pima Pineapple Cactus Priority Conservation Areas

The site is not located within the PPC priority conservation area defined in the SDCP Mapguide Map.

2. Presence of Pima Pineapple Cactus On-Site

There are no known occurrences of Pima pineapple cactus on the subject property.

3. Pima pineapple cactus survey

A pima pineapple cactus survey has not been conducted at the site.

a. Survey Date:

Not applicable.

b. Future surveys

No PPC surveys are planned at this time.

Needle-Spined Pineapple Cactus

1. Needle-Spined Pineapple Cactus Priority Conservation Areas

The site is not located within the Priority Conservation Area for the needle-spined pineapple cactus according to the SDCP Mapguide Map.

2. Presence of Needle-Spined Cactus On-Site

There are no known occurrences of the needle-spined pineapple cactus on the subject property.

3. Needle Spined Cactus Survey

A needle-spined pineapple cactus survey has not been conducted on the site.

a. Survey Date:

Not applicable.

b. Future surveys

No needle-spined cactus surveys are planned at this time.

ATTACHMENT 1

IPaC Information for Planning and Consultation

U.S. Fish & Wildlife Service

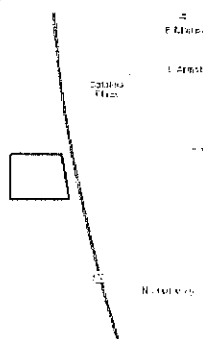
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Pima County, Arizona



Local office

Arizona Ecological Services Field Office

☎ (602) 242-0210

📠 (602) 242-2513

9828 North 31st Ave

#c3

Phoenix, AZ 85051-2517

<http://www.fws.gov/southwest/es/arizona/>http://www.fws.gov/southwest/es/EndangeredSpecies_Main.html

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for species under their jurisdiction.

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Jaguar <i>Panthera onca</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3944	Endangered

Birds

NAME	STATUS
California Least Tern <i>Sterna antillarum browni</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8104	Endangered
Mexican Spotted Owl <i>Strix occidentalis lucida</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/8196	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Reptiles

NAME	STATUS
Northern Mexican Gartersnake <i>Thamnophis eques megalops</i> Wherever found There is proposed critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7655	Threatened
Sonoran Desert Tortoise <i>Gopherus morafkai</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9289	Candidate
Sonoyta Mud Turtle <i>Kinosternon sonoriense longifemorale</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7276	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Costa's Hummingbird <i>Calypte costae</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9470	Breeds Jan 15 to Jun 10
Elf Owl <i>Micrathene whitneyi</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9085	Breeds May 1 to Jul 15

Gila Woodpecker *Melanerpes uropygialis*

Breeds Apr 1 to Aug 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/5960>

Golden Eagle *Aquila chrysaetos*

Breeds Dec 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Lawrence's Goldfinch *Carduelis lawrencei*

Breeds Mar 20 to Sep 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9464>

Rufous Hummingbird *selasphorus rufus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8002>

Rufous-winged Sparrow *Aimophila carpalis*

Breeds Jun 15 to Sep 30

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (▢)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (▤)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting

point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

RECORDED BY: CML
DEPUTY RECORDER
1951 RD13

P0230
PIMA CO CLERK OF THE BOARD

TUCSON

AZ 85701



DOCKET: 9612
PAGE: 1975
NO. OF PAGES: 7
SEQUENCE: 93142298
08/24/93
ORDIN 14:52:00
PICKUP
AMOUNT PAID \$ 4.00)

Pima County Ordinance No. 1993-102, recorded in Docket 9607, Pages 799 thru 803, was recorded without required map.

Ordinance No. 1993-102 is hereby being rerecorded, recorded in Docket 9612, Pages 1975 through 1982.

PLEASE INCLUDE THIS PAGE IN RECORDING

9612 1975

9 7

RECORDED BY: CML

DEPUTY RECORDER
1951 RD13

P0230
PIMA CO CLERK OF THE BOARD

TUCSON

AZ 85701



DOCKET: 9607
PAGE: 799
NO. OF PAGES: 5
SEQUENCE: 93137200
08/17/93
10:00:00
ORDIN
PICKUP
AMOUNT PAID \$ 3.00

ORDINANCE 1993-102

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY IN CASE CO9-88-80 LONDON - ORACLE ROAD REZONING; AMENDING PIMA COUNTY ZONING MAP NOS. 519 AND 432 LOCATED ON THE WEST SIDE OF ORACLE ROAD, APPROXIMATELY 650 FEET NORTH OF LUPINE PLACE AND 1/4 MILE SOUTH OF PINAL COUNTY LINE.

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

Section 1. The property described in the attached, amends Pima County Zoning Map Nos. 519 and 432 and is hereby rezoned from GR-1 to CB-2.

Section 2. Rezoning Conditions.

1. Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control.
2. Submittal of a development plan if determined necessary by the appropriate County agencies.
3. Dedication of necessary right-of-way for roads and drainage by separate instrument if the property is not to be subdivided.
4. Recording an acceptable plat which will provide for dedication of necessary right-of-way for roads and drainage if the property is to be subdivided.
5. Recording a covenant holding Pima County harmless in the event of flooding.
6. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control.
7. Conformance with Chapter 18.81 (GRADING) of the Pima County Zoning Code.
8. Recording the necessary development related covenants as determined appropriate by the various County agencies.

9612

1976

~~9607~~ 799

10

5

9. Provision of development related assurances as required by the appropriate agencies.
10. Recording a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
11. Wastewater Management Condition:
 - A. Connection to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat or development plan.
 - B. The property owner or his agent must construct the on-site sewers in a manner that will provide flow-through for tributary areas at points and with capacities as specified by Wastewater Management at the time of review of the tentative plat or development plan. The public flow-through sewer must be designed and constructed in conformance with the applicable Pima County standards, and must be completed, inspected, and released for service prior to the issuance of any building permits.
12. Transportation Conditions:
 - A. Proposed access to the subject property shall need the approval of the Subdivision Engineer, Pima County Department of Transportation, prior to the submittal of a development plan or subdivision plat for any portion of the subject property.
 - B. Access to the subject property from Tucson-Florence Highway shall need written approval by Arizona Department of Transportation prior to issuance of a Certificate of Compliance.
 - C. A written certification from the Arizona Department of Transportation stating satisfactory compliance with all of its requirements shall need to be submitted to the Department of Transportation prior to the issuance of a Certificate of Compliance.
 - D. Owner shall covenant to provide and establish joint use access with adjacent properties if deemed necessary by

Pima County in order to allow for a continuous common (two-way) access lane across the property and running parallel to Tucson-Florence Highway.

13. Flood Control Conditions:

- A. The property owner must dedicate all rights-of-way and/or grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.
- B. The property owner must submit all required drainage reports and plans, and receive approval by the Flood Control District prior to the issuance of a Certificate of Compliance. In developing the reports and plans, the requirements and regulations incorporated in the following reports must be satisfied.
 - 1. Floodplain Management Ordinance
 - 2. Drainage and Channel Design Standards
 - 3. Flood Control Policies
 - 4. Detention/Retention Manual
- C. On-site retention of the difference between the existing and the five (5) year event will be required because of the requested land use and density.

- 14. Landscaping to consist of low water use and low pollen producing vegetation.
- 15. Tentative plat or development plan when filed per Chapter 18.69 must adhere to the preliminary development plan as presented at public hearing.
- 16. No more than one (1) parcel.
- 17. Heights shall be limited to two stories or 24 feet in height.

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

1. Conditions 1 through 17 shall be satisfied by February 7, 1997.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 17 are satisfied and the Planning Director issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. The effective date of this Ordinance shall be the date of the signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County,
Arizona, this 3rd day of August, 1993.

Ed. Moran
Chairman, Board of Supervisors

AUG 3 1993

Date

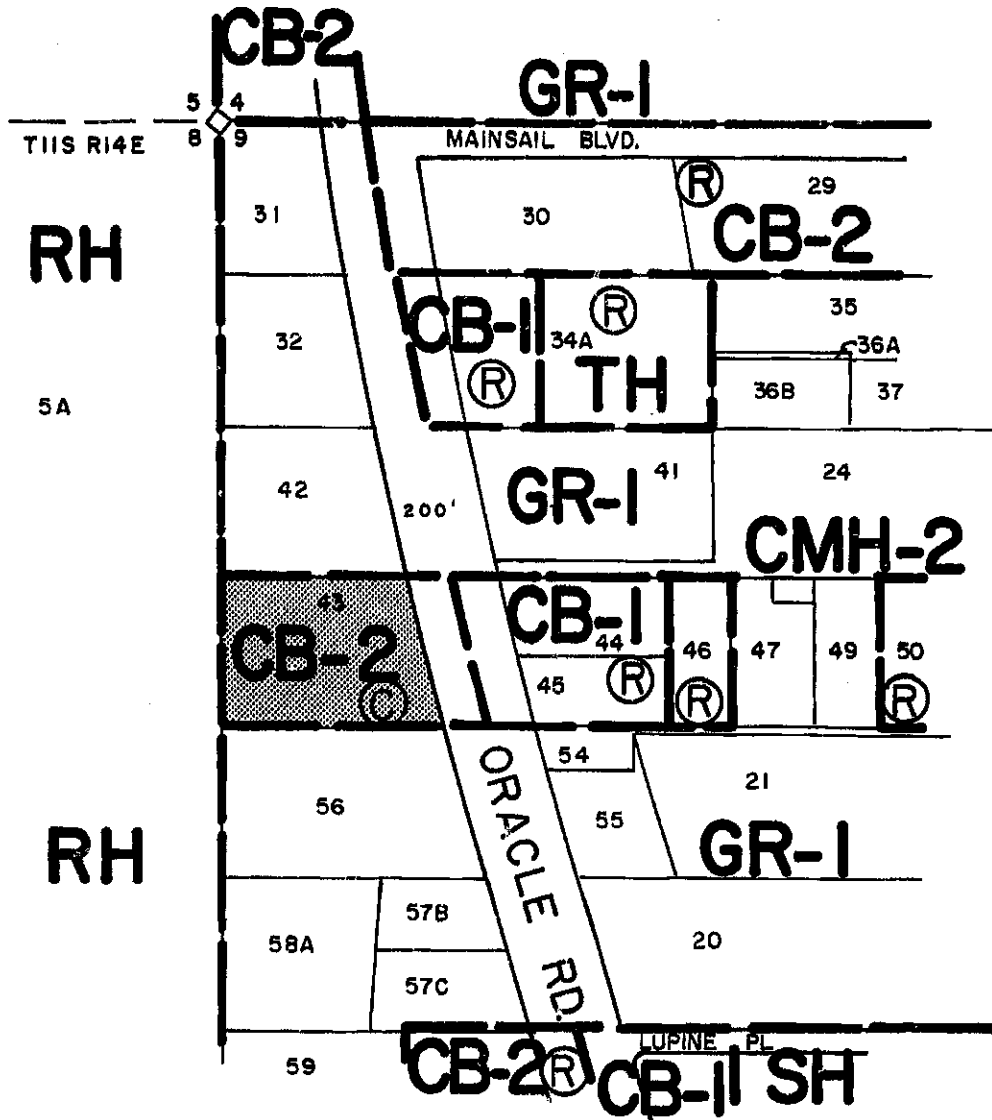
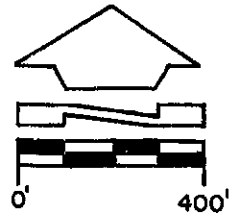
ATTEST:

L. P. Padoshian, Deputy
Clerk, Board of Supervisors

J. Mazzocco
Executive Secretary
Planning and Zoning Commission

AMENDMENT NO'S 29, 50 BY ORDINANCE NO. 1993-102
 TO PIMA COUNTY ZONING MAP NO'S 432, 519 TUCSON, AZ.
 PARCEL 43 BEING A PART OF THE NW1/4 OF THE NW1/4 OF
 SEC 9, T11S R14E.

ADOPTED 8-3-93 EFFECTIVE 8-3-93



[Signature]
 EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE.

from GR-1 3.2ac±

ma - JUNE 28, 1993

CO9-88-80

CO13-63-17B

222-21-0430

9612 1981

15

~~24. PUBLIC WORKS DEPARTMENT - PLANNING AND ZONING
Co9-86-58 KRAUSS - THORNYDALE ROAD REZONING~~

~~The Chairman stated this is the time and place designated for hearing on the request of Allen and Harriet Krauss for a time extension from TR to CB-1, for property totalling approximately 6.5 acres, located on the east side of Thornydale Road, approximately 700 feet north of Orange Grove Road. Staff recommends **APPROVAL**. (District 3)~~

~~The Chairman inquired whether anyone wished to be heard. No one appeared.~~

~~Whereupon it was moved by Supervisor Eckstrom, seconded by Supervisor Moore, and carried by a four to zero vote, Supervisor Marsh not present for the vote, to close the public hearing and approve the request as recommended.~~

~~25. PUBLIC WORKS DEPARTMENT - PLANNING AND ZONING
Co9-88-80 LONDON - ORACLE ROAD REZONING~~

~~The Chairman stated this is the time and place designated for hearing on request of Barry Kitay, representing Nanbarry Investments, et al for a time extension from GR-1 to CB-2, for property totalling approximately 3.2 acres, located on the west side of Oracle Road approximately 650 feet north of Lupine Place. Staff recommends **APPROVAL**. (District 3)~~

~~The Chairman inquired whether anyone wished to be heard. No one appeared.~~

~~Whereupon it was moved by Supervisor Eckstrom, seconded by Supervisor Boyd, and carried by a four to zero vote, Supervisor Marsh not present for the vote, to close the public hearing and approve the request as recommended.~~

~~26. PUBLIC WORKS DEPARTMENT - DEVELOPMENT SERVICES
PROPOSED ORDINANCES: Hearings not required~~

~~A. ORDINANCE NO. 1993 - 96, Co9-93-7, MUÑOZ - CRAYCROFT ROAD REZONING Owner: Anatolio E. & Vezna D. Muñoz. (District 1)~~

~~B. ORDINANCE NO. 1993 - 97, Co9-92-36, INA/LA CHOLLA ASSOCIATES - LA CHOLLA BOULEVARD REZONING Owner: Ina & La Cholla Associates. (District 1)~~

~~C. ORDINANCE NO. 1993 - 98, Co9-93-4, THATCHER/HUBBARD - OKLAHOMA STREET REZONING Owner: Glenn S. Thatcher. (District 3)~~

*(Supervisor Moore left the meeting at this time.)

13. DP&Z-P: Col3-63-17B, LAGO DEL ORO ZONING PLAN
DP&Z-Z: Co9-88-80, LONDON - ORACLE ROAD REZONING

The Chairman stated this is the time and place designated and legally advertised for hearing on proposal to amend the Lago del Oro Zoning Plan, Col3-63-17B, to allow additional CB-2 (general business zone) rather than TH (trailer homesites) uses. Petition (Co9-88-80) of Louis F. and Donna K. Landon to rezone approximately 3.2 acres from GR-1 (rural residential) to CB-2 (general business zone), located on the west side of Oracle Road, approximately 650 feet north of Lupine Place and 1/4 mile south of Pinal County line. The Planning and Zoning Commission voted to recommend approval of the request, subject to:

"Completion of the following requirements for a rezoning ordinance within three years from the date of approval by the Board of Supervisors:

1. Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control;
2. Submittal of a development plan if determined necessary by the appropriate County agencies;
3. Dedication of necessary right-of-way for roads and drainage by separate instrument if the property is not to be subdivided;
4. Recording an acceptable plat which will provide for dedication of necessary right-of-way for roads and drainage if the property is to be subdivided;
5. Recording a covenant holding Pima County harmless in the event of flooding;
6. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control;
7. Conformance with Chapter 18.81 (GRADING) of the Pima County Zoning Code.
8. Recording the necessary development related covenants as determined appropriate by the various County agencies;
9. Provision of development related assurances as required by the appropriate agencies;
10. Recording a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors;
11. Requirements set forth by the Pima County Wastewater Management Department as follows:
 - A. Connection to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat or development plan.

- B. The property owner or his agent must construct the on-site sewers in a manner that will provide flow-through for tributary areas at points and with capacities as specified by Wastewater Management at the time of review of the tentative plat or development plan. The public flow-through sewer must be designed and constructed in conformance with the applicable Pima County standards, and must be completed, inspected, and released for service prior to the issuance of any building permits.
12. Requirements of the Department of Transportation are as follows:
- A. Proposed access to the subject property shall need the approval of the Subdivision Engineer, Pima County Department of Transportation, prior to the submittal of a development plan or subdivision plat for any portion of the subject property.
 - B. Access to the subject property from Tucson-Florence Highway shall need written approval by Arizona Department of Transportation prior to the adoption of a Zoning Ordinance.
 - C. A written certification from the Arizona Department of Transportation stating satisfactory compliance with all of its requirements shall need to be submitted to the Department of Transportation prior to the issuance of the Zoning Ordinance.
 - D. Owner shall covenant to provide and establish joint use access with adjacent properties if deemed necessary by Pima County in order to allow for a continuous common (two-way) access lane across the property and running parallel to Tucson-Florence Highway.
13. Requirements of the Flood Control District are as follows:
- A. The property owner must dedicate all rights-of-way and/or grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.
 - B. The property owner must submit all required drainage reports and plans, and receive approval by the Flood Control District prior to the adoption of the Zoning Ordinance. In developing the reports and plans, the requirements and regulations incorporated in the following reports must be satisfied.
 - 1. Floodplain Management Ordinance
 - 2. Drainage and Channel Design Standards
 - 3. Flood Control Policies
 - 4. Detention/Retention Manual

- C. On-site retention of the difference between the existing and the five (5) year event will be required because of the requested land use and density.
14. Landscaping to consist of low water use and low pollen producing vegetation.
 15. Tentative plat or development plan when filed per Chapter 18.69 must adhere to the preliminary development plan as presented at public hearing.
 16. No more than one (1) parcel.
 17. Heights shall be limited to two stories or 24 feet in height."

The Chairman inquired whether anyone wished to be heard. No one else appeared. On consideration, it was moved by Supervisor Morrison, seconded by Supervisor Lunn, and unanimously carried with four members voting, and Supervisor Moore not present for the vote, that the hearing be closed; and rezoning to CB-2 be approved subject to the Commission's recommendations.

14. DP&Z-P: Col4-88-1D, MAJOR STREETS AND ROUTES PLAN AMENDMENT

The Chairman stated this is the time and place designated and legally advertised for hearing on proposal to amend the Pima County Major Streets and Routes Plan by deleting Wilmot Road and the proposed alignment as it appears between River Road and Kolb Road/Sunrise Drive. The Planning and Zoning Commission voted to recommend approval of the request.

The Chairman inquired whether anyone wished to be heard. No one else appeared. On consideration, it was moved by Supervisor Morrison, seconded by Supervisor Lunn, and unanimously carried with four members voting, and Supervisor Moore not present for the vote, that the hearing be closed; to approve the amendment to the Pima County Major Streets and Routes Plan as presented.

*(Supervisor Moore returned at this time.)

15. DP&Z-P: Col3-85-2, SANTA CRUZ VALLEY AREA PLAN

*(CLERK'S NOTE: Hearing on this item was held in conjunction with item Nos. 16, 17, 18, 19 and Addendum item No. 32.)

The Chairman stated this is the time and place designated and legally advertised for hearing on proposal to amend the Pima County Comprehensive Plan by revising and readopting the Santa Cruz Valley Plan. The plan encompasses 209 square miles and is bounded generally by the Pima Mine Road Alignment on the north, an irregular