

Requested Board Meeting Date: August 6, 2019

#### Title: Co9-07-20 SAHUARITA CORNERS LP/EQUIVEST PARTNERS LP - KOLB ROAD REZONING

#### Introduction/Background:

The applicant requests closure of a 129.7-acre portion of the 149.7-acre rezoning from RH (Rural Homestead) to GR-1 (Rural Residential).

#### **Discussion:**

The rezoning site was conditionally approved for an 85-lot subdivision on April 6, 2010. The current time limit expired on April 6, 2015. No rezoning conditions have been satisfied. The rezoning site has two separate owners who are not the original applicants. The owner of 129.7 acres of the site has requested closure of their portion, encompassing 72 of the proposed lots. Closure will cause the property to revert to RH zoning. The owner of the remaining 20 acres encompassing 13 of the proposed lots in the north part of the rezoning has been notified of this closure request and has not responded in writing. The remaining 13 lots would require a subdivision, which could not be approved until a rezoning time extension and possibly a modification of the preliminary development plan are approved. The Flood Control District reports that this remaining area is dependent upon the closure portion for access and drainage. RH and GR-1 comply with the Medium Intensity Rural plan designation. The site remains in its natural state. The site is not within the MMB Conservation Lands System. The Transportation, Flood Control, and Wastewater reports state no objection to the rezoning closure.

#### **Conclusion:**

The owner of 129.7 acres of the 149.7-acre rezoning requests closure of their portion of the rezoning. The owner of æ the remaining 20 acres has not request closure, and any subdivision of the 13 lots planned in this area will first 25 require approval of a time extension and possibly a modification of the preliminary development plan. There has MILISPCOK been no progress toward satisfying rezoning conditions. The rezoning was approved in 2010 for 85 residential lots.

#### **Recommendation:**

Staff recommends approval of closure of the subject 129.7 acres of the 149.7-acre rezoning.

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Board of	Supervisor District:					p-1	
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Departme	nt: Development Serv	ices Departme	nt - Planning Tel	ephone: 520-724	-9000		
Contact: David Petersen, Senior Planner, Telephone: 520-724-9508							
Department Director Signature/Date:							
Deputy County Administrator Signature/Date:							
County Administrator Signature/Date: C: County Administrator Signature/Date:							



DEVELOPMENT SERVICES

TO: Honorable Steve Christy, Supervisor, District 4

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

**DATE:** July 11, 2019

SUBJECT: <u>Co9-07-20</u> <u>SAHUARITA CORNERS LP/EQUIVEST PARTNERS LP – KOLB ROAD</u> <u>REZONING</u>

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' **TUESDAY**, **AUGUST 6, 2019** hearing.

- **REQUEST:** To **close** a 129.7-acre portion of Co9-07-20, an original 149.7-acre rezoning from RH (Rural Homestead) to GR-1 (Rural Residential) located on the northwest corner of Sahuarita Road and Kolb Road.
- OWNERS: Sahuarita Kolb 135, LLC Attn: Chad Kolodisner 2200 E. River Road Tucson, AZ 85718
- AGENT: None

DISTRICT: 4

STAFF CONTACT: David Petersen, Senior Planner

PUBLIC COMMENT TO DATE: As of July 11, 2019, staff has received no public comment.

STAFF RECOMMENDATION: APPROVAL OF CLOSURE.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Land System (MMBCLS).

TD/DP/ar Attachments



### **BOARD OF SUPERVISORS MEMORANDUM**

#### Subject: Co9-07-20

Page 1 of 3

#### FOR AUGUST 6, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

- FROM: Chris Poirier, Deputy Director Jon Maggewesk
- **DATE:** July 11, 2019

#### ADVERTISED ITEM FOR PUBLIC HEARING

#### REZONING CLOSURE

#### <u>Co9-07-20</u> <u>SAHUARITA CORNERS LP/EQUIVEST PARTNERS LP – KOLB ROAD</u> <u>REZONING</u> <u>Proposal to close a 129 7-acre portion of Co9-07-20 an original 149 7-acre rezoning</u>

Proposal to **close** a 129.7-acre portion of Co9-07-20, an original 149.7-acre rezoning from RH (Rural Homestead) to GR-1 (Rural Residential) located on the northwest corner of Sahuarita Road and Kolb Road. The rezoning was conditionally approved in 2010 and expired on April 6, 2015. Staff recommends **APPROVAL OF CLOSURE**.

(District 4)

#### STAFF RECOMMENDATION

Staff recommends **CLOSURE** of 129.7 acres of the original 149.7-acre rezoning from RH (Rural Homestead) to GR-1 (Rural Residential) for the use of a residential subdivision. The owner of this large portion of the rezoning has provided a written request to close this portion of the rezoning. The separate owner of the 20-acre balance of the rezoning site (north of the Kryshann Street easement) has been notified of the hearing for the closure request and has not responded in writing.

#### STAFF REPORT

The rezoning from RH to GR-1 was conditionally approved on April 6, 2010. Rezoning Ordinance 2010-53 was adopted on August 16, 2010. The rezoning expired on April 6, 2015. The rezoning conditions remain to be satisfied. The site is undeveloped and contains mostly undisturbed natural vegetation. The zoning code requires a public hearing to close a rezoning. Closure of the subject 129.7 acres will cause the property to revert to its previous RH zoning classification (Section 18.91.100.F.1). The area surrounding the rezoning is predominantly zoned RH, but there have been seven rezonings to GR-1 on five-acre parcels to the north and west of the site.

#### Co9-07-20

Neither of the owners of the rezoning site are the original rezoning applicants. Staff is not aware of the owners' plans for use of their respective portions of the site. The rezoning was for an 85-lot residential subdivision. The area sought for closure encompasses 72 of the proposed lots as shown on the attached rezoning preliminary development plan (PDP).

The area that is not the subject of this closure request contains 13 proposed lots as shown on the PDP which would require a subdivision. A rezoning time extension and possibly formal approval of modification of the PDP would be required before a subdivision could be approved. The Flood Control District indicates that changes to the PDP for this area would be required based on drainage and all-weather access being dependent on the portion of the rezoning sought for closure. Internal access to this remaining area would be from the planned improvement of Kryshann Street, which is currently a dirt easement. Kryshann Street is shown on the PDP as centered on the east-west mid-section line that also divides the property ownerships. Kryshann Street intersects with S. Kold Road which is also a dirt easement and is required to be improved south to Sahuarita Road. Right-of-way dedication is also required for Kolb Road, most of which would need to come from the portion of the rezoning sought for closure.

Closure of the 129.7-acre portion of the rezoning will cause its zoning to revert to RH. RH will comply with the site's Medium Intensity Rural (MIR) comprehensive plan designation. RH zoning would potentially allow 31 residences on minimum 4.13-acre (180,000 square feet) lots and other non-residential uses. A recorded subdivision plat and associated infrastructure improvements would not be guaranteed. GR-1 zoning also complies with the MIR plan designation and requires approximately .83 acres (36,000 square feet) per lot and residence.

Closure of the rezoning does not preclude the possibility of future GR-1 rezoning of the subject property. The property is located outside of the Maeveen Marie Behan Conservation Lands System.

#### TRANSPORTATION REPORT

The Department of Transportation has no objection to the closure of the subject portion of the rezoning.

The remaining portion of the rezoning will be required to provide access from the site to a public roadway as determine necessary by the Department of Transportation. On-site streets and Kryshann Street will require review for adequate access to/from the remaining subdivision as depicted in the rezoning PDP.

#### FLOOD CONTROL REPORT

The Regional Flood Control District has reviewed the request and offers the following comments:

The site is heavily impacted by distributary floodplains and is an area that lacks all weather access. The District agreed to the PDP reluctantly and did not expect that it could meet design criteria intended to mitigate off-site impacts and protect buyers. The final design was reliant on homes being placed on individual pads with on-lot detention and elevated roadways. The portion not being closed is dependent upon the portion for which closure is requested for access and drainage. A substantial change to the PDP would be required to proceed on the remaining portion.

#### Co9-07-20

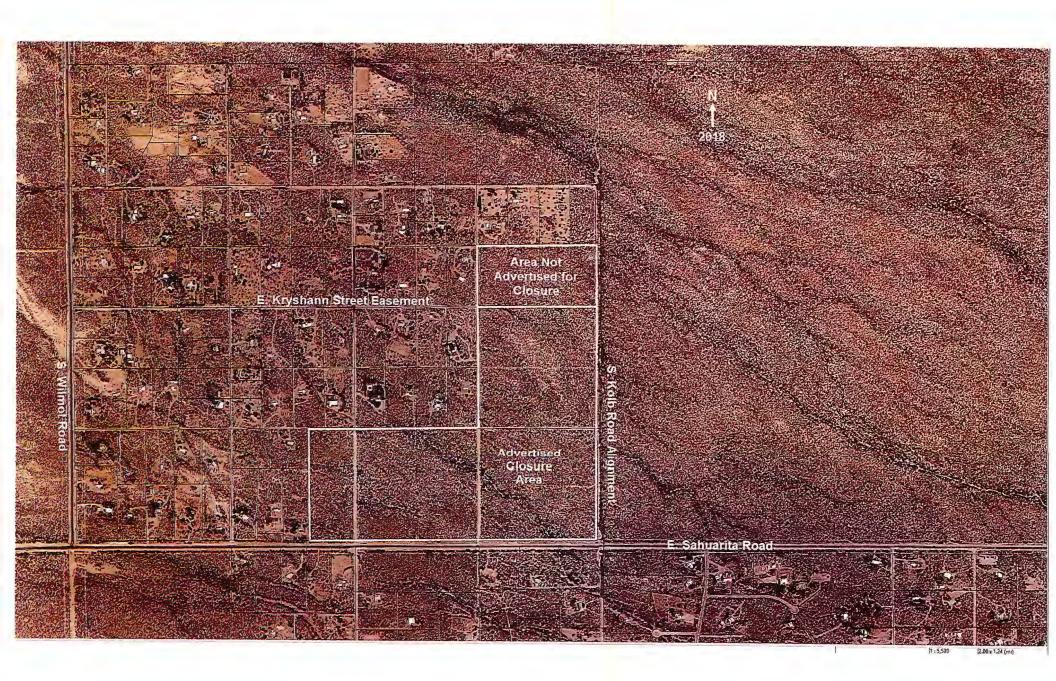
Therefore, although the District does not object, however for the record, permits for the remaining portion will not be approved as shown on the PDP.

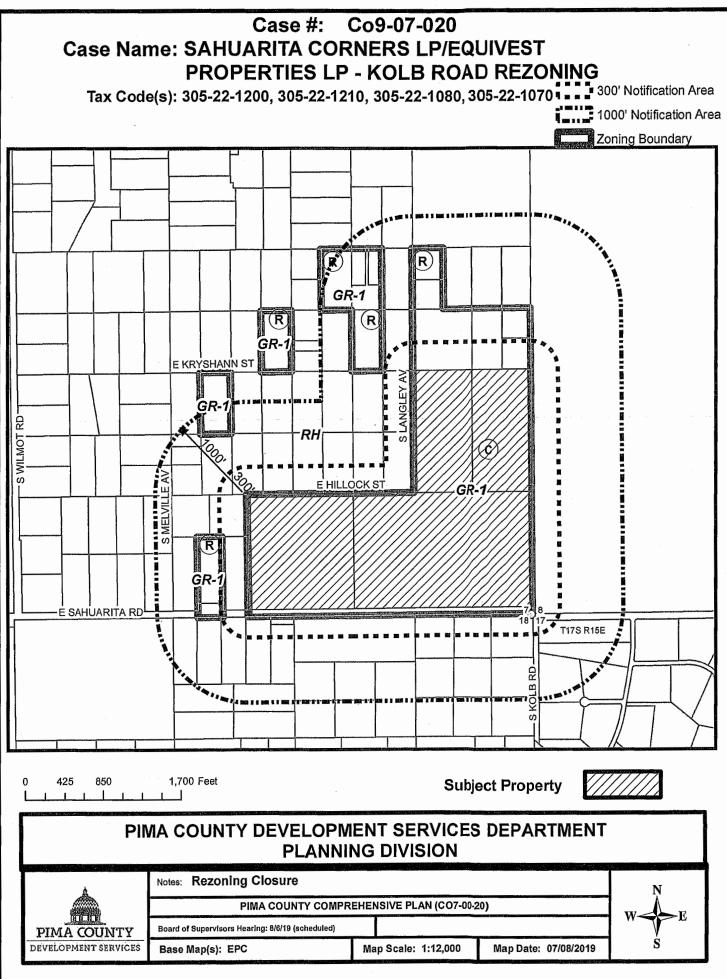
#### WASTEWATER REPORT

RWRD has no objection to this rezoning closure.

TD/DP/ar Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector Co9-07-20 File





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#### SAHUARITA KOLB 135, LLC

2200 E. River Road, Suite 115 Tucson, Az 85718 Ph. (520) 577-0200

May 22, 2019

Mr. Chris Poirier Pima County Planning Director 201 North Stone Avenue, 2<sup>nd</sup> Floor Tucson, Arizona 85701-1317

RE: Sahuarita Kolb 135, LLC – Partial Closure of Rezoning (Case #CO9-07-20)

Dear Mr. Poirier;

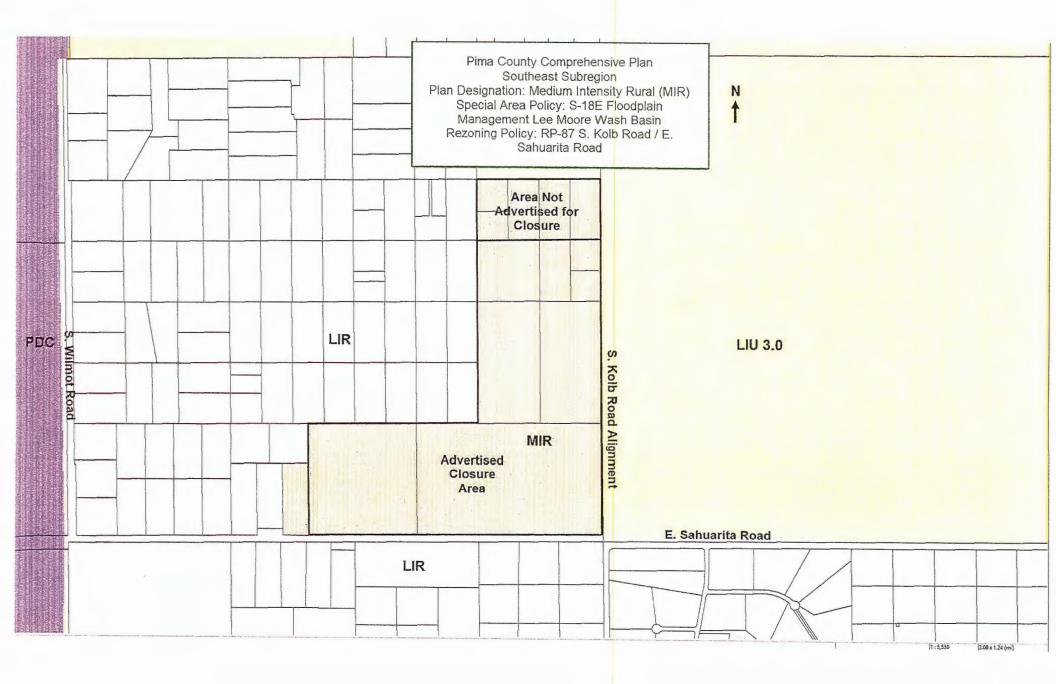
Sahuarita Kolb, LLC is the fee title owner of tax parcel numbers 305-22-1200, 305-22-1210, 305-22-1080 & 305-22-1070 which are the subject of the above referenced rezoning case as codified in Ordinance 2010-53. This rezoning exceeded the timeframe by which to satisfy the zoning requirements and expired on April 6, 2015. As owners of these tax parcels Sahuarita Kolb 135, LLC hereby requests that Pima County close the zoning case for these parcels and that the zoning classification for the property revert back to the previous zoning classification of Rural Homestead (RH) zoning.

If you have any questions or need additional information, please call me or Robert Tucker at the number above.

Sincerely,

Chad Kolodisner, Vice President of Diamond Ventures, Inc. Manager of Sahuarita Kolb 135, LLC

Co9-07-20 REVISED PRELIMINARY DEVELOPMENT PLAN Legend Site Boundary RH 40' Landscape Bullervad D Avis Acres - 40° Bullding Setback - - - Future Right of Way One Story Single-Family Residential N89\*58'47"E Parcels 6.7 ---- Ingress, Egress, Drainage & Utility Esmnts ---- 5' Elevation Contours 73. ----GR-1 50 Futuro R.O.W ---- Proposed Lots (5) Proposed Roads 4.60 GR-1 3 ------ Erosion Hazard Setback 1 k 509981 © Wells Depth of Flow Rate 0 > 0.7 Depth of Flow Rate 0.7 > 1.4 Depth of Flow Rate 1.4 > 2.0 Depth of Flow Rate 2.0 > 2.7 SCALE 3" = 1 mil Kryshann Street Lot Romoved Per Plina County Roglonal Flood Control 2.25.10 30 LANGLEY AVE ACCLSS EASENENT (Not Public) RH Depth of Flow Rate 2.7 > 3.4 Depth of Flow Rate 3.4 > 4.6 Future Home of Hook M Ranch •4 Saguaro (Number represents Height) 40" Landsca Butloorard D · · · · Proposed DG Path (Vacant) Proposed Sahuarila Road Trail ( Eastern Pima County Trail System Master Plan) 15%-25% Stopes GR-1 Avenue 3 0 3 m Public) 25%+Slopes Watershed (6.1) Т Х 4) 5 Right-of-Way Dedication 1 30° Londscape Access easement used by neighbors Langl Buffervard A Access used by neighbors. No easement dedicated. RH - 30° Building Sotback Ū Avis Acres Notes - 20' Electrical Easomoni One Story-Single Family Site Acroage: 149,7 AC
Existing Zoning: RH
Proposed Zoning: GR-1
Residential Density: 0.58 RAC configuration, and the configuration and dusign of 语题 Pa - 105 MS&R Sathack Residential associated lingrovoments including detention and al weather access, may change as necessary to meet FPMD 100 θĝi P 17 ACCESS Ciltuda. TOLOTZ 40° Lon e Bufferv Building Height: 24 Feet (One Story) Ail wash crossings within the subdivision are to be dip T 244' 40° Bold (3) Total Number Dwalling Lights: 65 crossions. Θ Hillock Street Total Recreation Area Required; 37,932 SF The construction of residential structures will be raised a 2 N09"59 25"E 485.05 1.02 (Not Public) <u>°</u> Total Rucreation Area Proposed; 1.23 AC minimum of 1 foot above the post developed water surface Entire Silo willun 100-Year Floodplain : FEMA Zono X, slowilon. These structures that are located within the sheet flow area and within hu 100 year floodplain limits 1 FEMA Zona X, All landscoping will be low water use in accorda Zoning Code requirements, •Maximum Building Pod Area; 20,000 SF that are more then a foot deep, and periodenty will be the prosion hazard setback area will require armoring of the OI that is used to raise the building pads. Kolb (Malár Indisturbed Area: 27 Actor There is no existing itght-of-way dodication for Kelb Rd,
The final location of the water storage tank, along with All Interior streets are public. •Open Space areas are journed on individual lots, there is reservoir size, color and screening is subject to the 505185 no common open space. +The Tentative and final plat must conform to all FPMO completion and acceptance a Tantativo Plat, Water Maste (4.1) (1) Plan and Interovement Plans, compliance criteria. During raview and approval of the Drainage Study to be submitted with the tentative plat; TABLE OF 100-YEAR OFFSITE WATERSINED PEAK DISCHARGES CONCENTRATION AREA (ac) QICD (cla) (=+=) GR-1 PO1241 7-6 - 2 - 12 Travel 1 12 Travel 2 2 0 DG 667 62 1332 1.61 Lano 45' ROW Lane 656.12 35.26 -TYPICAL R.O.W. 16.89 73 6235.87 11,405 G164.36 11,350 Lot Removed Par Plma Count 9 85 14' Travel L 14' Travel 13' 6' DG 68' -----7/.5/ - 50' ROW GU RESIDENTIAL RIGHT OF WAY 439 5 N89\*59512W 1 320 f 300 75 Existing R.O.W From Contestino 2. Major Streets & Scenic Ro (3.1 ROW 40' Building Solback -42'-6" - 5 - 3" G BIKE 12" TRAVEL -RH· · 12 TURN 12 TRAVEL 6'BIKE Landscape Hulleryard O 47-6 LANE LANE 1 ANE Sysamore Canyon 180' MS&R Setback 150 One-Story Single -Family -Estates-FUTURE KOLB ROAD Residential  $\bigcirc$ Single-Family Residential 3 **REVISED SAHUARITA CORNERS** THEPLANNING CHILIR APPROVED BY BOS at the 4/6/10 meeting



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

#### Land Use Legend

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

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

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#### A. <u>RURAL INTENSITY CATEGORIES</u>

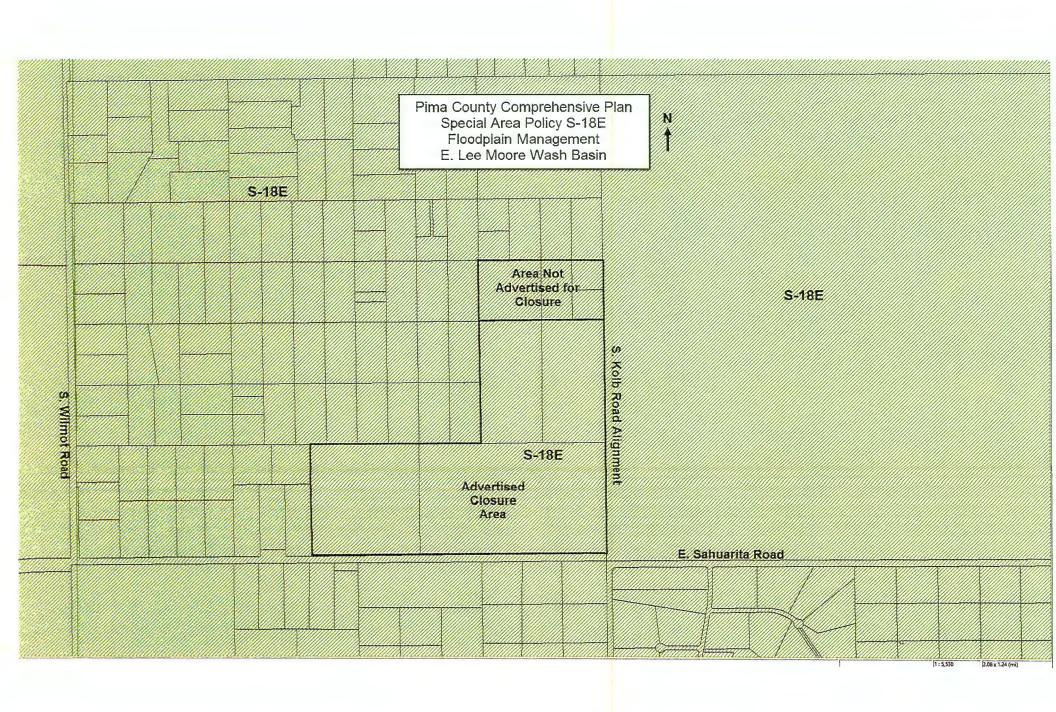
The following land use categories shall be applied to designate rural development intensities on the land use plan.

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#### 3. Medium Intensity Rural (MIR)

- a. <u>Objective</u>: To designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials, or suburban areas.
- b. <u>Residential Gross Density</u>: Residential gross density shall conform to the following:
  - 1) Minimum none
  - 2) Maximum 1.2 RAC.
- c. <u>Residential Gross Densities for Developments Using Transfer of Development Rights</u> (<u>TDRs</u>): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
  - 1) Minimum none
  - 2) Maximum 1.2 RAC.

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### Pima County Comprehensive Plan Special Area and Rezoning Policies

#### Chapter 9: Special Area Policies – General Location, Description and Policy

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

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

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

#### S-18 Floodplain Management (Multiple Maps)

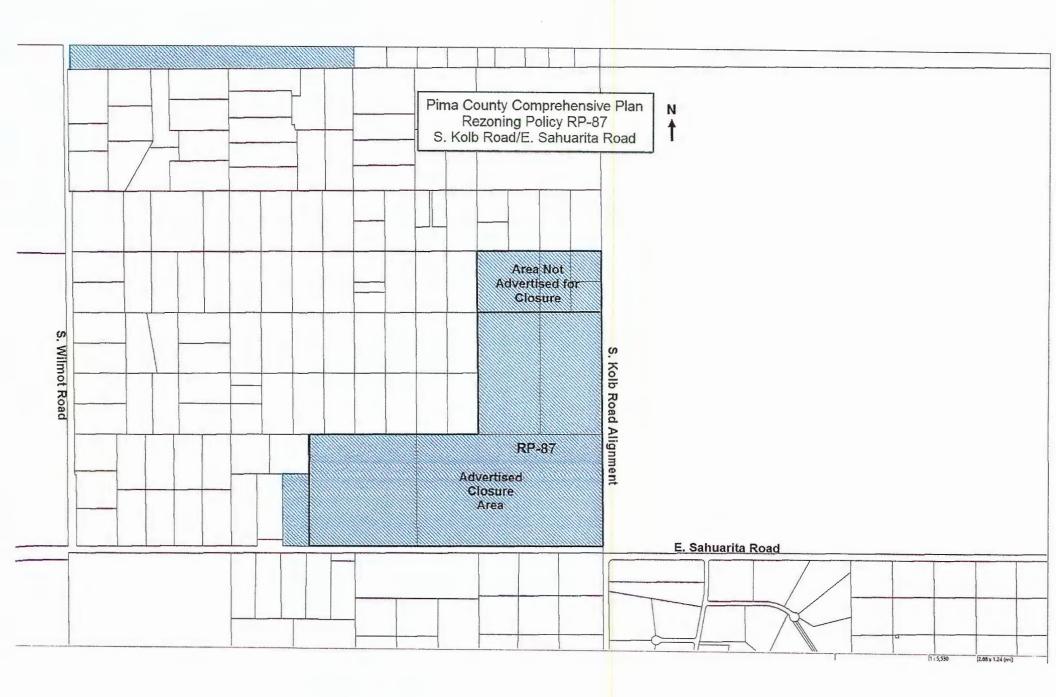
#### **General Location**

There are several sites within eastern Pima County designated as Floodplain Management Special Areas by the Pima County Regional Flood Control District. They are: Upper Santa Cruz River; Rillito Creek Overbank Storage; Cienega Creek; Wakefield and Anderson Washes and Lee Moore Wash, including eight tributaries: Gunnery Range Wash, Sycamore Canyon Wash, Fagan Wash, Cuprite Wash, Petty Ranch Wash, Franco Wash, Flato Wash and Summit Wash.

#### **Policies**

E. Lee Moore Wash Basin Special Area Policy: Development shall be regulated per the Lee Moore Wash Basin Management Study. This study provides hydrology and hydraulics to ensure consistency between land uses, identifies permanent natural flow corridors, and establishes Development Criteria in addition to those contained within Floodplain and Erosion Hazard Management Ordinances. This policy adopts by reference the entire Study including floodplain maps, flow corridor maps, flood hazard data, and development criteria as described in Development Criteria for the Lee Moore Wash Basin Management Study, as adopted by the Pima County Regional Flood Control District Board of Directors on June 1, 2010 (Resolution 2010-FC6).

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# Pima County Comprehensive Plan Special Area and Rezoning Policies

#### Chapter 9: Rezoning Policies – General Location and Policy

Rezoning Policies (RP) apply to discrete areas composed of one parcel or a limited number of parcels and frequently reflect either an approved, individual plan amendment or a policy carried forward from a previous (rescinded) area, community, or neighborhood plan.

Rezoning policies are labeled "RP" and are numbered individually on the plan maps. In parentheses next to the policy title is the referenced map in which the rezoning policy lies.

Rezoning policies for properties for which a specific plan has been adopted but that have not been completely developed continue to be included in this chapter. These particular rezoning policies are referenced solely for historical background for the specific plan, if there ever should be a question as to the source of either the language in the specific plan, the conditions of a specific plan (where they exist) or a development agreement. They also may be referenced by staff or applicant should a change in the content of a specific plan, requiring public hearing, be sought. However, once a specific plan is adopted, they have been supplanted by the specific plan or conditions thereof.

However, because specific plans have no expiration date, development may occur over a lengthy period of time and changes may also be requested long into the future, the original policy intent may prove informative so the policy remains in the chapter. For denoted specific plan related rezoning policies, the specific plan documents, conditions of zoning if any, and development agreements as they exist or may be amended govern the land use of the property, not the applicable rezoning policy.

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#### RP-87 S. Kolb Road/E. Sahuarita Road (SE)

#### **General location**

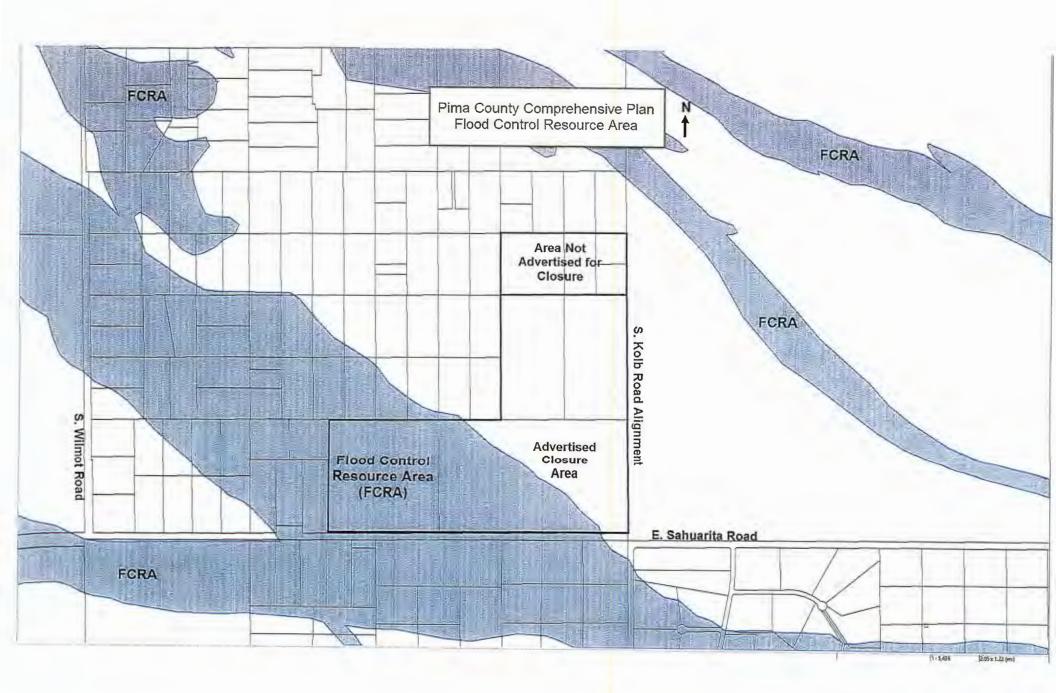
At the northwest corner of S. Kolb Road and E. Sahuarita Road, in Section 7 of Township 17 South, Range 15 East (Ref. Co7-06-17).

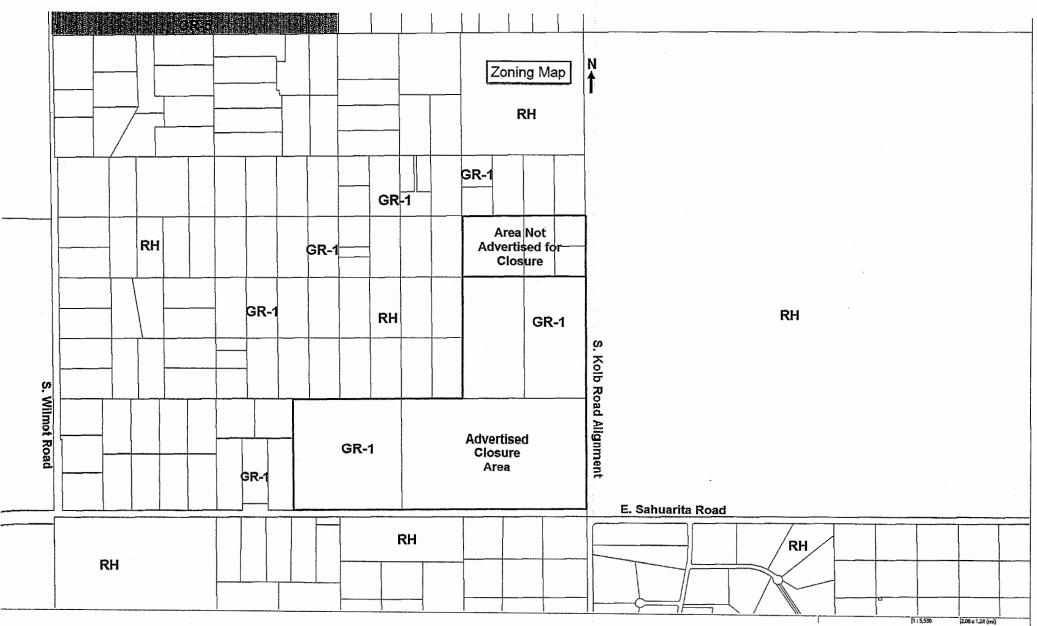
#### Policies

A. A reduced-density residential buffer area shall be established at the northern and western amendment site boundaries, to create a transition between new residential development and the existing adjacent residential area, to be determined at time of rezoning.

- B. A master drainage study shall be submitted during the platting and/or development plan processes to identify local floodplains, 100-year water surface elevations, and erosion hazard setbacks. It shall also address:
  - 1. Analysis of detention/retention requirements.
  - 2. Need for and financing of other on-site and off-site improvements.
  - 3. Habitat preservation.
  - 4. Channel and drainage design.
- C. The developer shall submit a Master Traffic Impact Study that identifies existing conditions and capacity, needed construction, and expansion to achieve necessary infrastructure. Phasing, implementation and the regional impacts of this development shall also be addressed. The Study shall be submitted with the Rezoning Site Analysis.

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B. ANN KODKI RECORDED BY: <u>~</u>O DEPUTY RECORDER 1861 PE-2 P0230 PIMA CO CLERK OF THE BOARD PICKUP



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AMOUNT PAID	\$ 0.00		

#### ORDINANCE 2010- 53

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 305-22-1000, 305-22-1030, 305-22-1050, 305-22-1060, 305-22-1070, 305-22-1080, 305-22-1200, 305-22-1210) OF 149.7 ACRES FROM RH (RURAL HOMESTEAD) TO GR-1 (RURAL RESIDENTIAL) IN CASE C09-07-20 SAHUARITA CORNERS LP/EQUIVEST PROPERTIES LP – KOLB ROAD REZONING; ON PROPERTY LOCATED ON THE NORTHWEST CORNER OF SAHUARITA ROAD AND THE KOLB ROAD ALIGNMENT; AMENDING PIMA COUNTY ZONING MAP EPC.

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

**Section 1.** The approximate 149.7 acres, located on the northwest corner of Sahuarita Road and the Kolb Road alignment, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map EPC is hereby rezoned from RH (Rural Homestead) to GR-1 (Rural Residential).

#### Section 2. Rezoning Conditions

- 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 Co9-07-20 Page 1 of 11

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dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.

- 6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 7. Transportation conditions:
  - A. The property owner/developer shall dedicate 75 feet right-of-way for Sahuarita Road.
  - B. The property owner/developer shall dedicate 75 feet right-of-way for Kolb Road.
  - C. The property owner/developer shall dedicate an appropriate corner spandrel for the corner of Sahuarita/Kolb Road, as determined necessary by the Department of Transportation during plat review.
  - D. Pedestrian/bicycle access shall be provided from the proposed dead end streets to the collector and/or major roads. The Circulation Plan for which shall be approved by the Department of Transportation with the subdivision plat.
  - E. A pedestrian/bicycle trail compatible with the American's with Disabilities Act shall be provided along one side of the interior street network, as approved by the Department of Transportation.
  - F. The property owner/developer shall construct Kolb Road with a minimum of a curb/sidewalk on the west side, two vehicular travel lanes, and two bike lanes on the west half of the approved roadway cross section.
- 8. Environmental Quality conditions:
  - A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
  - B. As a condition of rezoning, the applicant shall demonstrate that the new lots, as proposed, can accommodate a home site and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.
  - C. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.

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Co9-07-20

Page 2 of 11

9. Flood Control conditions:

- A. The Lee Moore Wash Basin Management Study FLO-2D Model shall be used for the Drainage Report, including encroachment analysis to be submitted with the plat.
- B. Constructed Fill Pads shall be designed to be parallel to flow, to adequately include all development (including on-lot detention/water harvesting and septic systems), and to provide adequate erosion protection. No other development, including perimeter walls and accessory structures, shall be allowed if they are not within the pad. Pads shall also be provided with all-weather access driveways. Conceptual grading and lot layout demonstrating compliance with this condition shall be shown on the Tentative Plat.
- C. Pad and driveway locations and minimum pad and finished floor elevations shall be provided on both the Tentative and Final Plats.
- D. A Permitting Note shall be placed on the Final Plat stating: "No development, including walls and accessory structures, is allowed outside of the Building Envelopes designated on this plat."
- E. Detention/Retention standards shall apply and a design for on-lot integrated detention and water harvesting systems, or alternative, including identifying the maintenance responsibility, shall be submitted with the drainage report at the time of platting. The volume required for each lot shall be provided on both the Tentative and Final Plats. For on-lot detention systems, a maintenance covenant shall be required from each lot owner prior to Final Inspections and this shall be a note on the plat.
- F. The lot yield shall be a maximum of 85 lots and the lot layout shall meet floodplain design criteria, including encroachment and detention criteria.
- G. The tentative and final plat must conform to all FPMO compliance criteria. During review and approval of the Drainage Study to be submitted with the tentative plat; the lot configuration, and the configuration and design of associated improvements, including those providing detention and all weather access, may change as necessary to meet FPMO criteria.
- H. The applicant shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
- I. Low Intensity Development (LID) water harvesting should be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.

Co9-07-20

Page 3 of 11

- J. An updated letter of intent to serve from a water service provider shall be submitted as part of the platting approval process.
- 10. Wastewater Management condition:

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

11. Cultural Resources conditions:

A. 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.

- B. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.
- 12. Environmental Planning 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.

13. The number of lots adjoining the northern and western site boundaries shall not exceed the number of lots shown on the Preliminary Development Plan approved

Co9-07-20

Page 4 of 11

at the public hearing in order to establish a reduced-density residential buffer area to create a transition between new residential development and the existing adjacent residential area.

- 14. A master drainage study shall be submitted during the platting and/or development plan processes to identify local floodplains, 100-year water surface elevations, and erosion hazard setbacks. It shall also address:
  - A. Analysis of detention/retention requirements;
  - B. Need for and financing of other on-site and off-site improvements;
  - C. Habitat preservation; and
  - D. Channel and drainage design
- 15. All saguaros 18 feet in height or greater or with arms six feet or greater in length shall remain in place.
- 16. Grading shall be limited to 20,000 square feet per lot and all undisturbed areas outside of the 20,000 square foot grading envelope shall be designated as Natural Open Space on the plat.
- 17. Building heights shall not exceed 16 feet.
- 18. The following conditions shall be required in support of County Sustainability Initiatives:
  - A. Water harvesting techniques shall be employed using curb cuts and depressed planter islands, and directing roof runoff into landscaped areas and using swales and micro basins to collect stormwater to irrigate vegetation. As an alternative to using the former techniques, the water conservation techniques of the Pima County Green Building Program shall be used. In either case, the techniques shall be included in the water conservation plan required by Condition 9H.
  - B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources.
  - C. Each home shall be oriented with the broadest side toward the south, to the maximum extent possible.
- 19. Adherence to the preliminary development plan (EXHIBIT B), as approved at public hearing.
- 20. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.

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Co9-07-20

Page 5 of 11

- 21. 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.
- 22. 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 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)."
- 23. This rezoning is subject to the terms of the private agreement dated January 7, 2010 between the Sahuarita Corners Developer(s) and the Avis Acres Preservation Coalition (EXHIBIT C). Sahuarita Corners Developer(s) and Avis Acres Preservation Coalition will be responsible for executing this agreement; Pima County will not be held responsible for any type of enforcement of this agreement.

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

- 1. Conditions 1 through 23 shall be completed by April 6, 2015.
- 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 23 are satisfied and the Planning Official issues a Certificate of Compliance.
- 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Co9-07-20

Page 6 of 11

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

Passed and adopted by the Board of Supervisors of Pima County, Arizona,

\_day of August this \_\_\_\_ 16th

2010.

Chairman of the Board of Supervisors,

AUG 1 6 2010

ATTEST:

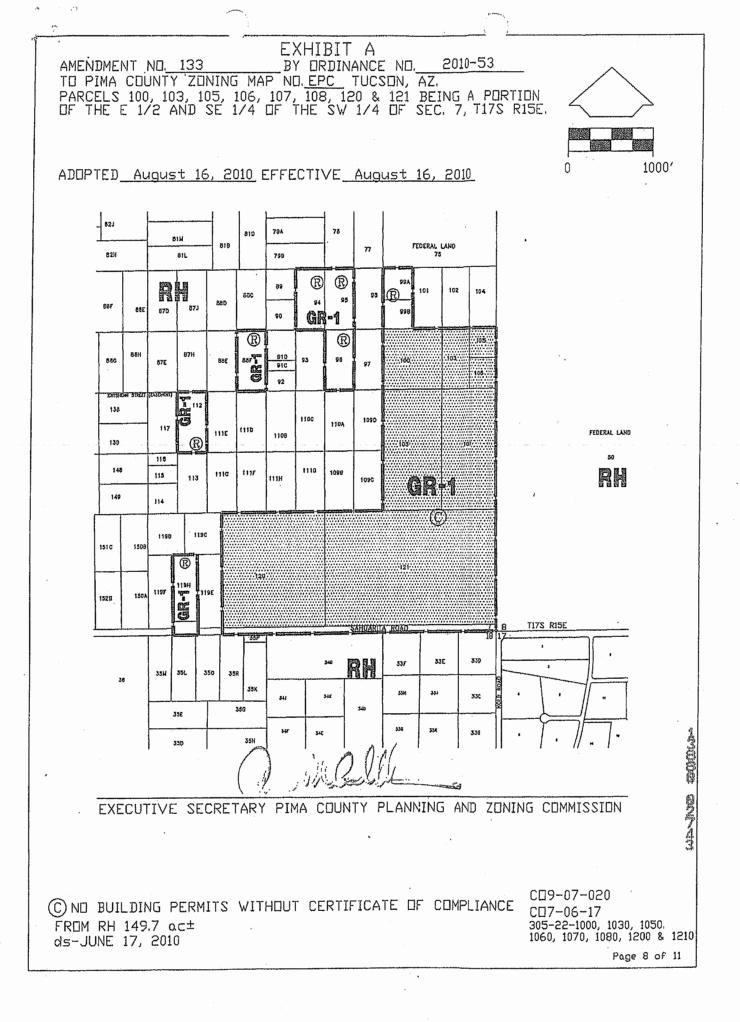
Clerk, Board of Supervisors

APPROVED AS TO FORM:

Deputy County Attorney

Executive Secretary, Planning and Zoning Commission

Co9-07-20



January 7, 2010

Avis Acres Preservation Coalition Sahuarita, Arizona

Subject: Neighborhood Agreement Sahuarita Corners Rezone, Co9-07-20

Avis Acres Preservation Coalition:

This Neighborhood Agreement is written in response to requests from the property owners of Avis Acres Preservation Coalition (AAPC) regarding the 150-acre Sahuarita Corners Rezoning, Co9-07-20. AAPC has agreed to support the Sahuarita Corner Rezone on the condition that the rezoning be made subject to the following agreements necessary to insure that the development will be compatible with surrounding land uses. This Neighborhood Agreement shall be recorded with the land as additional conditions on this Property. The developer, subject to rezoning approval by the Pima County Board of Supervisors, is agreeing to the following stipulations.

- Water-a water service provider shall serve the site. The well shall be 1200 feet or deeper given there is water supply at that ground level. The applicant shall also submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures.
- Construction Hours- operation of heavy equipment shall be conducted between the hours of 8 AM and 6 PM.
- Hillock and Langley-20-foot wide minimum road application of chip seal paving or other acceptable alternative with any "acceptable alternative" being longer lasting and more durable will be applied to improvements to:
  - Hillock Street from Langley Avenue to Mann Avenue
  - Langley Avenue from Sahuarita Road to Noves Street
  - Asphalt and concrete cutoff walls shall be placed in all washes that cross the above roadways
  - The developer shall maintain the above roadways for a minimum of 5 years
  - The road construction will begin on Hillock and Langley (south of Hillock) after completion of the first 20 lots south of Hillock Street. The construction on Langley (north of Hillock) will begin after completion of the first lot north of Hillock

No with set

- Existing speed humps on Langley Avenue shall remain.
- All road work is subject to Pima County approval
- 4. Existing Wells- All existing wells located on the Equivest or Sahuarita Corners Property shall be temporarily capped or abandoned and sealed according to Arizona Department of Water Resources (ADWR) requirements within 6 months of rezoning approval. Any contaminated wells will be cleaned out in accordance with ADWR requirements within 6 months of rezoning approval.
- 5. Drainage Study- Tracy Bogardus of Bogardus Engineering shall conduct the hydrology/drainage plan for the subdivision given he is still in operation at the time.
- 6. Utilities- All utilities shall be located underground.

January 7, 2010 Avis Acres Preservation Coalition Sahuarita Corners, Co9-07-20 Page 2

- Water Harvesting- Water harvesting techniques shall be employed using curb cuts, depressed planter islands and directing roof runoff into landscaped areas using swales and micro basins to collect stormwater to irrigate vegetation.
- 8. Buffelgrass -buffelgrass removal shall commence at the earliest effective date.
- 9. Wildcat Dumping- No dumping signs shall be posted at the frequently used wildcat dump site at the southwest corner of Kolb and Hillock, the intersection of Sahuarita and Kolb, Langley and Mann, and trash cleanup as needed when at least a pickup truck load of large dumped items or landscape trash has accumulated on the subject property.
- 10. Subdivision Plat- copies of detailed tentative plat and final plat plans shall be provided to AAPC as they are submitted to Pima County.
- 11. Construction Vehicles- No construction vehicles shall use the Avis Acres roadways outside of the rezoning property.
- 12. Grading- all lots will be limited to a 20,000 square foot building pad.
- 13. Bufferyards- viable native vegetation to be transplanted on site shall be moved to the north and west perimeters within the landscape bufferyards
- 14. Building Heights- are limited to one-story and 16 feet in height.
- Setbacks- a minimum 50-foot building setback will be applied to the northern and western boundaries.
- 16. Screening Walls- there will be no block walls on the perimeter of the property.

Philip Amos On behalf of Sahuarita Corners Property

On behalf of Avis Acres Preservation Coalition

#### REGULAR AGENDA/ADDENDUM ITEMS

#### 6. COUNTY ADMINISTRATOR: Classification and Compensation Matters

The County Attorney's Office requests approval to create nine Position Control Numbers (PCNs) as follows. There will be no General Fund impact.

Positions		Salary
Requested	Classification Code/Title	<u>Grade</u>
1	3147/Criminal Investigator – AZ Post Certified - CA 3115/Attorney	P4
4	3115/Attorney	R1
1	3143/Legal Secretary	P2
1	3145/Paralegai	P3
1	3139/Legal Processing Support - CA	P2
1	3162/Administrative Services Specialist - CA	P4

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the new PCNs

#### **DEVELOPMENT SERVICES: Rezoning**

The Board of Supervisors' on 12/15/09 and 1/19/10 continued the following:

 <u>Co9-07-20, SAHUARITA CORNERS L.P./EQUIVEST PROPERTIES L.P. – KOLB</u> <u>ROAD REZONING</u>

Request of <u>Sahuarita Corners L.P./Equivest Properties L.P., represented by The</u> <u>Planning Center</u>, for a rezoning of approximately 149.7 acres from RH (Rural Homestead) to CR-1 (Rural Residential) on property located at the northwest corner of Sahuarita Road and the Kolb Road alignment. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voting Nay) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

Tom Hudson, Zoning Administrator, provided a staff report outlining the proposed use of the site. He referred to New Condition No. 23 which was privately negotiated with Avis Acres Preservation Coalition and outlined in the memorandum of 2/4/10. He also noted for the record a correction to Condition 18A which should refer to Condition 9H instead of 8H.

The Chairman inquired whether anyone wished to be heard. The following speakers addressed the Board:

- A. Marigold Love, representative of Avis Acres Preservation Coalition.
- B. Francis Timothy Dolan.
- C. Nancy Freeman, representative of the Groundwater Awareness League, Green Valley.

They provided the following comments:

- 1. Avis Acres Preservation Coalition supported the proposed development.
- 2. Improvements within the rezoning would be beneficial to everyone in Avis Acres and the surrounding communities.
- 3. The proposed rezoning will cause serious flooding problems and water supply issues. The property should not be developed until these are addressed.

The Board expressed concern over unresolved flooding, drainage problems and assured water supply.

Michael Grassinger, The Planning Center, explained how the developer has been working closely with everyone involved to resolve the issues. He agreed to a delay to allow time to develop an acceptable drainage plan.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of April 6, 2010.

#### **DEVELOPMENT SERVICES: Conditional Use Permit**

#### R21-09-037, ROGERS - N. MUSKET RD.

Request of Roxanna Rogers on property at 11425 N. Musket Rd., in the GR-1 zone, for a Conditional Use Permit for a roping arena with amplification and mounted shooting. Chapter 18.97, in accordance with Section 18.14.030.B.22 of the Pima County Zoning Code, allows a roping arena with amplification and mounted shooting as another conditional use which is similar in type, scale and intensity to other listed conditional uses. Roping arena with amplification and mounted shooting is a Type II Conditional Use in GR-1. The Hearing Administrator recommends, APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

SHOULD THE BOARD OF SUPERVISORS AGREE WITH THE HEARING ADMINISTRATOR'S RECOMMENDATION FOR APPROVAL, IT IS SUGGESTED THAT THIS APPROVAL BE GRANTED SUBJECT TO THE FOLLOWING STANDARD AND SPECIAL CONDITIONS:

#### Standard Conditions

8.

- An approved Development Plan. 1. 2.
  - All buildings shall be set back a minimum of 100 feet from any property line. \*
  - \* Note: The 100-foot setback requirement is not met by the existing facilities on the property. The owner/applicant has secured relief from this standard requirement by way of an approved variance from the Board of Adjustment.

Special Conditions Attendant to the Roping Arena with Amplification

- The facility shall be limited to four (4) public equestrian events per month. Such events shall each be 1. no more than two (2) consecutive days in length.
- 2. All events, attendant amplification, and night-time lighting of the roping arena shall cease no later than 9:30 PM.
- 3. Parking of all vehicles, horse trailers, etc. associated with the events shall occur on the property and not within adjacent public rights-of-way.

Special Conditions Attendant to the Mounted Shooting

The mounted shooting on the property shall occur only during the calendar months of March, April and May and within the context of the four (4) organized public equestrian events (as authorized in

# Cog-07-20 Rezoning Approval BOS Minutes 4-6-10

#### 25. DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT REZONING

The Board of Supervisors' on December 15, 2009, January 19, 2010 and February 9, 2010 continued the following:

## Co9-07-20, SAHUARITA CORNERS L.P./EQUIVEST PROPERTIES L.P. - KOLB ROAD REZONING

Request of <u>Sahuarita Corners L.P./Equivest Properties L.P., represented by The</u> <u>Planning Center</u>, for a rezoning of approximately 149.7 acres from RH (Rural Homestead) to CR-1 (Rural Residential) on property located at the northwest corner of Sahuarita Road and the Kolb Road alignment. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voting Nay) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

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

Completion of the following conditions 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.
- Recording of a covenant holding Pima County harmless in the event of flooding.
- 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.
- 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.
- There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 7. Transportation Conditions
  - A. The property owner/developer shall dedicate 75 feet right-of-way for Sahuarita Road.
  - B. The property owner/developer shall dedicate 75 feet right-of-way for Kolb Road.
  - C. The property owner/developer shall dedicate an appropriate corner spandrel for the corner of Sahuarita/Kolb Road, as determined necessary by the Department of Transportation during plat review.
  - D. Pedestrian/bicycle access shall be provided from the proposed dead end streets to the collector and/or major roads. The Circulation Plan for which shall be approved by the Department of Transportation with the subdivision plat.
  - E. A pedestrian/bicycle trail compatible with the American's with Disabilities Act shall be provided along one side of the interior street network, as approved by the Department of Transportation.
  - F. The property owner/developer shall construct Kolb Road with a minimum of a curb/sidewalk on the west side, two vehicular travel lanes, and two bike lanes on the west half of the approved roadway cross section.
- 8. Environmental Quality condition:
  - A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of onehalf of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
  - B. As a condition of rezoning, the applicant shall demonstrate that the new lots, as proposed, can accommodate a home site and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed

4-6-2010 (18)

new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.

- C. Prior to the commencement of construction of any grading, land cleaning, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
- 9. Flood Control conditions:
  - A. The Lee Moore Wash Basin Management Study FLO-2D Model shall be used for the Drainage Report, including encroachment analysis to be submitted with the plat.
  - B. Constructed Fill Pads shall be designed to be parallel to flow, to adequately include all development (including on-lot detention/water harvesting and septic systems), and to provide adequate erosion protection. No other development, including perimeter walls and accessory structures, shall be allowed if they are not within the pad. Pads shall also be provided with all-weather access driveways. Conceptual grading and lot layout demonstrating compliance with this condition shall be shown on the Tentative Plat.
  - C. Pad and driveway locations and minimum pad and finished floor elevations shall be provided on both the Tentative and Final Plats.
  - D. A Permitting Note shall be placed on the Final Plat stating: "No development, including walls and accessory structures, is allowed outside of the Building Envelopes designated on this plat."
  - E. Detention/Retention standards shall apply and a design for on-lot integrated detention and water harvesting systems, or alternative, including identifying the maintenance responsibility, shall be submitted with the drainage report at the time of platting. The volume required for each lot shall be provided on both the Tentative and Final Plats. For on-lot detention systems, a maintenance covenant shall be required from each lot owner prior to Final Inspections and this shall be a note on the plat.
  - F. The lot yield shall be <u>a maximum of 85 lots</u> reduced as needed and the lot layout shall meet floodplain to meet design criteria, including encroachment and detention criteria.
  - G. The following note shall be added to the PDP: This PDP does not meet The tentative and final plat must conform to all FPMO compliance criteria. During review and approval of the Drainage Study to be submitted with the tentative plat; the lot configuration yield is likely to decrease, and the configuration and design of associated improvements, including those providing detention and all weather access, may change as necessary to meet FPMO criteria.
  - H. The applicant shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
  - Low Intensity Development (LID) water harvesting should be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.
  - J. An updated letter of intent to serve from a water service provider shall be submitted as part of the platting approval process.
- 10. Wastewater Management condition:

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

- 11. Cultural Resources conditions:
  - A. 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.
  - B. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed

4-6-2010 (19)

from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

12. Environmental Planning 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.

- 13. The number size of lots adjoining the northern and western site boundaries shall not exceed the number of lots shown on the Preliminary Development Plan approved at the public hearing in order to establish a reduced-density residential buffer area to create a transition between new residential development and the existing adjacent residential area.
- 14. A master drainage study shall be submitted during the platting and/or development plan processes to identify local floodplains, 100-year water surface elevations, and erosion hazard setbacks. It shall also address:
  - A. Analysis of detention/retention requirements;
  - B. Need for and financing of other on-site and off-site improvements;
  - C. Habitat preservation; and
    - D. Channel and drainage design
- 15. All saguaros 18 feet in height or greater or with arms six feet or greater in length shall remain in place.
- 16. Grading shall be limited to 20,000 square feet per lot and all undisturbed areas outside of the 20,000 square foot grading envelope shall be designated as Natural Open Space on the plat.
- 17. Building heights shall not exceed 16 feet.
- 18. The following conditions shall be required in support of County Sustainability Initiatives:
  - A. Water harvesting techniques shall be employed using curb cuts and depressed planter islands, and directing roof runoff into landscaped areas and using swales and micro basins to collect stomwater to irrigate vegetation. As an alternative to using the former techniques, the water conservation techniques of the Pima County Green Building Program shall be used. In either case, the techniques shall be included in the water conservation plan required by Condition 89H.
  - B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources.
  - C. Each home shall be oriented with the broadest side toward the south, to the maximum extent possible.
- 19. Adherence to the preliminary development plan, as approved at public hearing.
- 20. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
- 21. 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.
- 22. 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 (Anzona 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)."
- 23. This rezoning is subject to the terms of the private agreement dated January 7, 2010 between the Sahuarita Corners Developer(s) and the Avis Acres Preservation Coalition. Sahuarita Corners Developer(s) and Avis Acres Preservation Coalition will be responsible for executing this agreement; Pima County will not be held responsible for any type of enforcement of this agreement.

Tom Hudson provided a brief report and stated the Board continued this item on February 9, 2010, to allow the applicant and Flood Control time to meet and work out unresolved issues. This meeting resulted in the provision of additional open space and several condition changes which were contained in staff's memorandum dated March 24, 2010. Staff recommended approval with amended standard and special conditions.

The following individual addressed the Board:

Marigold Love, Moderator of the Avis Acres Preservation Coalition (AAPC)

Her comments were:

- A. If this land was not developed as a subdivision, it would result in 150 acres of wildcat development.
- B. The AAPC had come to an agreement with the developer, which had worked out a number of environmental issues, and they now supported the rezoning.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning with standard and special conditions as amended.

#### 26. DEVELOPMENT SERVICES: REZONING RESOLUTION

RESOLUTION NO. 2010 - <u>72</u>, Co9-07-06, Fidelity National Title TR 30226 - Camino Verde Rezoning. Owners: Fidelity National Title Agency, Inc., TR 30226. (District 3)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2010-72.

#### 27. DEVELOPMENT SERVICES: STREET NAME CHANGE

Present

Unnamed Easement Co14-19-009 (District 3)

Proposed

Thirsty Acres Place

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias and unanimously carried by a 5-0 vote, to close the public hearing and approve the street name change.