



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 17, 2019

Title: CLOSURE/TIME EXTENSION: Co9-07-21 STEWART TITLE AND TRUST TR 3652 - N. COMO DRIVE REZONING

Introduction/Background:

A. Proposal to close rezoning case Co9-07-21 as required to be considered per code. B. If not closed, applicant requests a five-year time extension for a 59.91-acre rezoning from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate) which was approved on May 5, 2009 and expired on May 5, 2019.

Discussion:

Closure must be considered prior to consideration of a time extension because it has been 10 years since the date of rezoning approval. The applicant indicates that the down market for large-lot development has delayed completion of rezoning conditions and platting for the 18 lots proposed within the SR-2 portion of the project. The applicant notes progress with a plan for a Tucson Water main and other matters related to platting. Conditions on and surrounding the site have change little since the rezoning was approved. The slight density increase proposed remains compliant with the site's Low Intensity Rural plan designation. Concurrency of infrastructure exists per agencies that have reported. Tucson Water and Amphitheater School District did not respond to staff's request for comments. The site is located within the Conservation Lands System (CLS). The rezoning preliminary development plan and rezoning conditions provide for compliance with CLS natural open space policies.

Conclusion:

A time extension is warranted due to the historical economic recession. Also, the proposed density increase to 0.3 residences per acre complies with the Comprehensive Plan, and concurrency of infrastructure exists. Reversion to RH zoning with closure would also comply with the Comprehensive Plan. The site development will comply with CLS policies. The recommended modified conditions update conditions to current standards.

Recommendation:

Staff recommends denial of closure and approval of a five-year rezoning time extension subject to modified 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: David Petersen, Senior Planner Telephone: 520-724-9508

Department Director Signature/Date: *David Petersen* 9.3.19

Deputy County Administrator Signature/Date: *[Signature]* 9/5/19

County Administrator Signature/Date: *C. R. Dubbey* 9/4/19

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PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ramon Valadez, Supervisor, District 2

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

DATE: August 29, 2019

SUBJECT: Co9-07-21 STEWART TITLE AND TRUST TR 3652 – NORTH COMO DRIVE REZONING

The above referenced Rezoning Closure and Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 17, 2019** hearing.

REQUEST: **A. Rezoning Closure:** Proposal to **close** Co9-07-21, a 59.91-acre rezoning from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate) located approximately 2,500 feet west of N. Como Drive and approximately one-half mile northwest of the intersection of Moore Road and La Cholla Boulevard.

B. Rezoning Time Extension: Request for a five-year **time extension** of approximately 59.91 acres located approximately 2,500 feet west of N. Como Drive and approximately one-half mile northwest of the intersection of Moore Road and La Cholla Boulevard.

OWNERS: Stewart Title and Trust TR 3652
Aboud & Aboud, P.C.
Attn.: Michael Aboud
1661 N. Swan Road, Ste. 234
Tucson, AZ 85712-4053

AGENT: Michael Aboud

DISTRICT: 1

STAFF CONTACT: David Petersen, Senior Planner

PUBLIC COMMENT TO DATE: As of August 29, 2019, staff has received no written public comment.

STAFF RECOMMENDATION: A) DENIAL OF CLOSURE. B) APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located within Multiple Use Management Area and a minor portion within Important Riparian Area of the Maeveen Marie Behan Conservation Lands System (CLS). It is also entirely within Special Species Management Area of the CLS.

TD/DP/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-07-21

Page 1 of 8

FOR SEPTEMBER 17, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: August 29, 2019

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE / TIME EXTENSION

A. Rezoning Closure

Co9-07-21 **STEWART TITLE AND TRUST TR 3652 – NORTH COMO DRIVE REZONING**
Proposal to **close** Co9-07-21, a 59.91-acre rezoning from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate) located approximately 2,500 feet west of N. Como Drive and approximately one-half mile northwest of the intersection of Moore Road and La Cholla Boulevard. The rezoning was conditionally approved in 2009 and expired on May 5, 2019. Staff recommends **DENIAL of Closure**. (District 1)

B. Rezoning Time Extension

Co9-07-21 **STEWART TITLE AND TRUST TR 3652 – NORTH COMO DRIVE REZONING**
Request of Stewart Title and Trust TR 3652, represented by Michael Aboud, for a five-year **time extension** for the above-referenced rezoning from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate). The subject site was rezoned in 2009. The site is approximately 59.91 acres located approximately 2,500 feet west of N. Como Drive and approximately one-half mile northwest of the intersection of Moore Road and La Cholla Boulevard. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**. (District 1)

STAFF RECOMMENDATION

Staff recommends **DENIAL OF CLOSURE** of the rezoning and **APPROVAL** of a five-year time extension to May 5, 2023 as per the applicant's request for the original 59.91-acre rezoning from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate) for an 18-lot subdivision with substantial open space, subject to original and modified standard and special conditions as follows:

- ~~1.~~ ~~Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2.~~ ~~Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~3.~~ ~~Provision of development related assurances as required by the appropriate agencies.~~
- ~~4.~~ ~~Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.~~
51. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
62. Transportation conditions:
 - A. Offsite improvements to Moore Road and Como Drive may be required as determined necessary by the Department of Transportation.
 - B. Offsite improvements shall be required for the access between the rezoning subject property and Como Drive as determined necessary by the Department of Transportation (shown as Street A on the Preliminary Development Plan).
73. Environmental Quality conditions:
 - A. A geologic report shall be provided that contains the results of percolation testing/soil characterization and appropriate depth boring logs for each proposed lot in the subdivision. These tests shall be performed by an Arizona registered professional engineer, and shall demonstrate that an on-site disposal system can be permitted on each lot. The depth to groundwater shall be provided in this report.
 - B. In accordance with R18-5-404, please show, on each proposed lot, suitable locations for an on-site wastewater disposal system and a 100% reserve area. The size of these systems shall be determined from the tests performed as required above, and applied to a hypothetical four bedroom residence (also to be shown on the Tentative Plat). Also, include the design calculations used to size the preliminary and reserve on-site disposal fields. On-site disposal systems may not be located in floodway areas, erosion hazard setbacks, or within fifty feet of washes, whichever is more restrictive.
 - C. Percolation test/soil evaluation holes shall be shown on the Tentative Plat.
84. Flood Control conditions:
 - A. Development associated with the rezoning subject property shall meet Critical Basin detention requirements before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
 - B. Off-site improvements shall be required to provide all weather access to the subject site along Street A, as shown on the preliminary development plan, before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
 - C. A letter of intent to serve from a water service provider (Tucson Water) shall be submitted with the tentative plat.
 - D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall 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.
85. Wastewater Reclamation condition:
The owner / developer shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

406. Environmental Planning conditions:

- A. Total grading for the rezoning site shall not exceed 492,230 square feet. Maximum grading limits for individual lots shall be determined at the time of platting. The plat shall identify all common areas and those areas on individual lots that are set-aside and reserved from grading as natural open space.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current property owner. ~~Prior to issuance of the Certificate of Compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

Invasive Non-Native Plant Species Subject to Control:

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

- C. Walls or fences shall not be allowed along the perimeter of any lot or on the perimeter of the subject property, except for walls immediately adjacent to the gated entryway; however, walls and fences may be erected within the maximum grading area for each lot established by the subdivision plat. Walls shall not be located within natural open space designated on each individual lot. These restrictions shall be a Permitting Note on the plat.

447. Cultural Resources conditions:
- A. A cultural resources mitigation plan (that includes strategies for Preservation and/or Data Recovery) for any identified archaeological sites on the subject property that are not avoided by development 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.
 - B. 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.
428. The following conditions shall be required in support of County Sustainability Initiatives:
- A. Water harvesting techniques to be employed with subdivision roadway design and individual grading on each individual lot. Roof runoff to be directed into landscaped areas. Swales and micro basins to use stormwater to irrigate vegetation.
 - 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 shall be encouraged and not be prohibited.
 - C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
 - D. Each house shall be built with a greywater stub out.
439. 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.
4410. 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 to 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)."
4511. Adherence to the preliminary development plan (EXHIBIT C) as approved at public hearing.

Condition #'s 1 – 4 are recommended for deletion based on a recent staff decision to reduce redundant requirements and ease processes. Pertaining to condition #1, a development plan will be required if a proposal requires one per code. Subdivision platting for proposed single family residences will otherwise be required. Pertaining to condition #'s 2 and 4, staff no longer recommends standard conditions which require recorded covenants. Pertaining to condition #3, assurances are standard with approved subdivision plats.

Renumbered condition #6 pertaining to the removal of invasive non-native species from the property is recommended for modification to delete the recording requirement of the terms of the condition as staff no longer recommends, as standard, requirements for recording conditions. (All conditions are recorded in an initial rezoning ordinance and any subsequent resolutions.)

Likewise, renumbered condition #10 pertaining to the standard Proposition 207 disclaimer is recommended for modification to delete the recording requirement.

STAFF REPORT

Staff recommends against closure of the rezoning; but, closure must be considered prior to consideration of a time extension because it has been more than 10 years since the date of rezoning approval, May 5, 2009. The zoning code requires consideration of closure if rezoning conditions remain to be satisfied 10 years beyond initial approval. The initial time limit for approved rezonings is recommended by staff at five years; and five years is the maximum interval of staff recommended time extensions. A five-year time extension was approved for this rezoning on July 7, 2015. Because of the continued appropriateness of the slightly higher residential density allowed by the rezoning at the site's location, staff does not believe the case should be closed.

A second five-year time extension is now requested by the applicant. The request letter cites the continued lack of an, "... economically feasible market for larger lots single family development..." as necessitating a time extension to allow further market recovery. The letter further cites successful progress with Tucson Water and 17 area property owners to extend a water main west to the property to ensure adequate water supply and relieve dwindling well water supply in the area. (Tucson Water did not respond to staff's request for comment.) Additionally, the applicant notes that the Development Services Department has approved the name of the road which will provide access to the site from Como Drive and that work with the Department has occurred on an acceptable Assurance Agreement, private CC&R's, and a homeowners association.

Staff notes that a tentative plat for the rezoning site and an RH-zoned area north of the site was approved on October 19, 2017 (P17TP00003) that included a Landscape Plan, Native Plant Preservation Plan, and Riparian Habitat Mitigation Plan.

Approval of the requested five-year time extension will provide a total of 15 years to complete rezoning conditions from the initial approval date by extending the expiration date to May 5, 2024. Staff acknowledges the historic recession and its link and impact to housing development.

The 59.91-acre SR-2 (Suburban Ranch Estate) rezoning was approved for 18 detached single-family residences on minimum 1.65-acre (72,000 square foot) lots. By virtue of the site's location within the Maeveen Marie Behan Conservation Lands System (CLS) categories of Special Species

Management Area, Multiple Use Management Area and Important Riparian Area (related to a natural wash), the preliminary development plan features 48.4 acres of natural open space, including 29.3 acres within lots and 19.1 acres outside of lots. This allows 11.3 acres of disturbance, consistent with renumbered condition #6A to ensure compliance with the CLS, including 95% preservation of Important Riparian Area. Comparison of then (2009) and more recent (2018) aerial photography shows what appears to be slightly more dirt road or trail disturbance within the site which otherwise remains naturally vegetated and undeveloped.

The rezoning preliminary development plan shows a gated private interior street is planned. The street is shown as connecting to proposed subdivided RH lots to the north of the rezoning site. The area to the north is owned by the applicant. Renumbered condition #6A requires off-site access improvements between the site and Como Drive (shown as Street A on the plan).

The proposed density of approximately 0.3 residences per acre (RAC) remains compliant with the same 0.3 RAC maximum density of the site's Low Intensity Rural (LIR) plan designation which remains unchanged.

The low density rural residential development in the vicinity of the site is mostly unchanged from the time of the rezoning approval. There are a few new residences on unsubdivided parcels, but there also remains larger undeveloped parcels. Surrounding zoning remains RH with minimum required 4.12 acres (180,000 square feet) per residence. The nearest public elementary school is located approximately 2.5 miles travel distance to the south. The nearest fire station is located approximately 3.5 miles travel distance to the southwest. Park land within Pima County jurisdiction exists one mile north of the site and within three miles to the east and west of the site within the Town of Oro Valley and the Town of Marana respectively. The nearest shopping center is located approximately 3.5 miles travel distance to the southwest.

Staff finds concurrency of infrastructure per agencies that have reported, subject to provision of all-weather off-site road improvements to serve the project as required by existing rezoning conditions. On-site sewage (septic) disposal will be used for each residential lot. Tucson Water and Amphitheater Unified School District did not respond to a staff request for comments.

Denial of the time extension will cause the site to revert to RH zoning which would conform to the LIR plan designation. Closure of the rezoning would not preclude the possibility of a future SR-2 rezoning. The recommended modified conditions do not constitute a substantial change which would require review by the Planning and Zoning Commission.

SURROUNDING LAND USES/GENERAL CHARACTER

North: RH (Rural Homestead) / Undeveloped (portion) & Residential Parcels (portion)
 South: RH (Rural Homestead) / Undeveloped (portion) & Residential Parcels (portion)
 East: RH (Rural Homestead) / Residential Parcels
 West: RH (Rural Homestead) / Residential Parcels

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	Subject to existing conditions for off-site connecting road improvements.
FLOOD CONTROL	Yes	Subject to existing conditions, including improvements for all-weather access.
WASTEWATER	N/A	On-site wastewater disposal will be utilized.
PARKS AND RECREATION	Yes	

WATER	No response	Tucson Water did not return comments.
SCHOOLS	No response	Amphitheater School District did not return comments.
AIR QUALITY	Yes	

TRANSPORTATION REPORT

The proposed site is served directly by Como Bosque Trail, an unimproved local road with an existing 50-foot right-of-way. Como Bosque is a Deed of easement to the public for road purposes as recorded in Docket 4196 and Page 496 and is not maintained by the County. Como Drive is approximately 1,900 feet to the east. Moore Road is approximately 0.50-miles to the west.

There are no available traffic counts for Como Bosque Trail but the traffic capacity for the road is approximately 9,940 average daily trips (ADT). Como Drive is a 45-mph posted speed limit, paved, two-lane, County-maintained local road. There are no available traffic counts for Como Drive but the traffic capacity is approximately 9,940 ADT. Moore Road is a 45-mph posted speed limit paved, two-lane, County-maintained urban collector. The most recent traffic count for Moore Road is 1,042 ADT but the traffic capacity is approximately 9,940 ADT. The preliminary development plan proposes 18 units that will generate approximately 180 ADT. The surrounding area to the proposed rezoning site is considered rural, therefore the propose site will not significantly impact the surrounding roadways. Transportation concurrency has been met for the proposed rezoning site.

A Tentative Plat was approved on 10/19/2017 showing the proposed improvements for Como Bosque Trail. Como Bosque Trail will not be a County-maintained road.

The Department of Transportation has no objection to the rezoning extension subject to existing Transportation conditions (renumbered condition #'s 2A and 2B above).

FLOOD CONTROL REPORT

The Regional Flood Control District has reviewed the request and has no objection to a time extension and recommends current Flood Control conditions be retained.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request and offers the following comments for your use. The 60-acre subject site was conditionally rezoned from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate) in 2009. The rezoning expired on May 5, 2019. The rezoning is proposed for a low density residential development. The rezoning area is located approximately 2,500 feet west of N. Como Rd., approximately one-half mile northwest of the intersection of Moore Rd. and La Cholla Blvd.

The rezoning area is not within the PCRWRD service area. There are no current or proposed plans to extend public sewer to the rezoning area. The project will utilize individual septic systems.

The PCRWRD has no objection to the proposed five-year extension of the rezoning. The existing wastewater condition in rezoning Resolution 2015-68 adopted on October 6, 2015 by the Board of Supervisors is concurrent and does not require revision.

CULTURAL RESOURCES REPORT

Condition #'s 11A and 11B (renumbered to #'s 7A and 7B above) for cultural resources still apply to this rezoning.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

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

WATER DISTRICT REPORT

Staff has not received a response to a request for comments. The site is within a designated Tucson Water obligated service area; and the original site analysis for the rezoning contains a letter from Tucson Water indicating that they will provide water to the site. The applicant reports progress with Tucson Water and area property owners to extend a water main west to the property as noted above.

SCHOOL DISTRICT REPORT

Amphitheater Unified School District did not respond to a request for comments.

FIRE DISTRICT REPORT

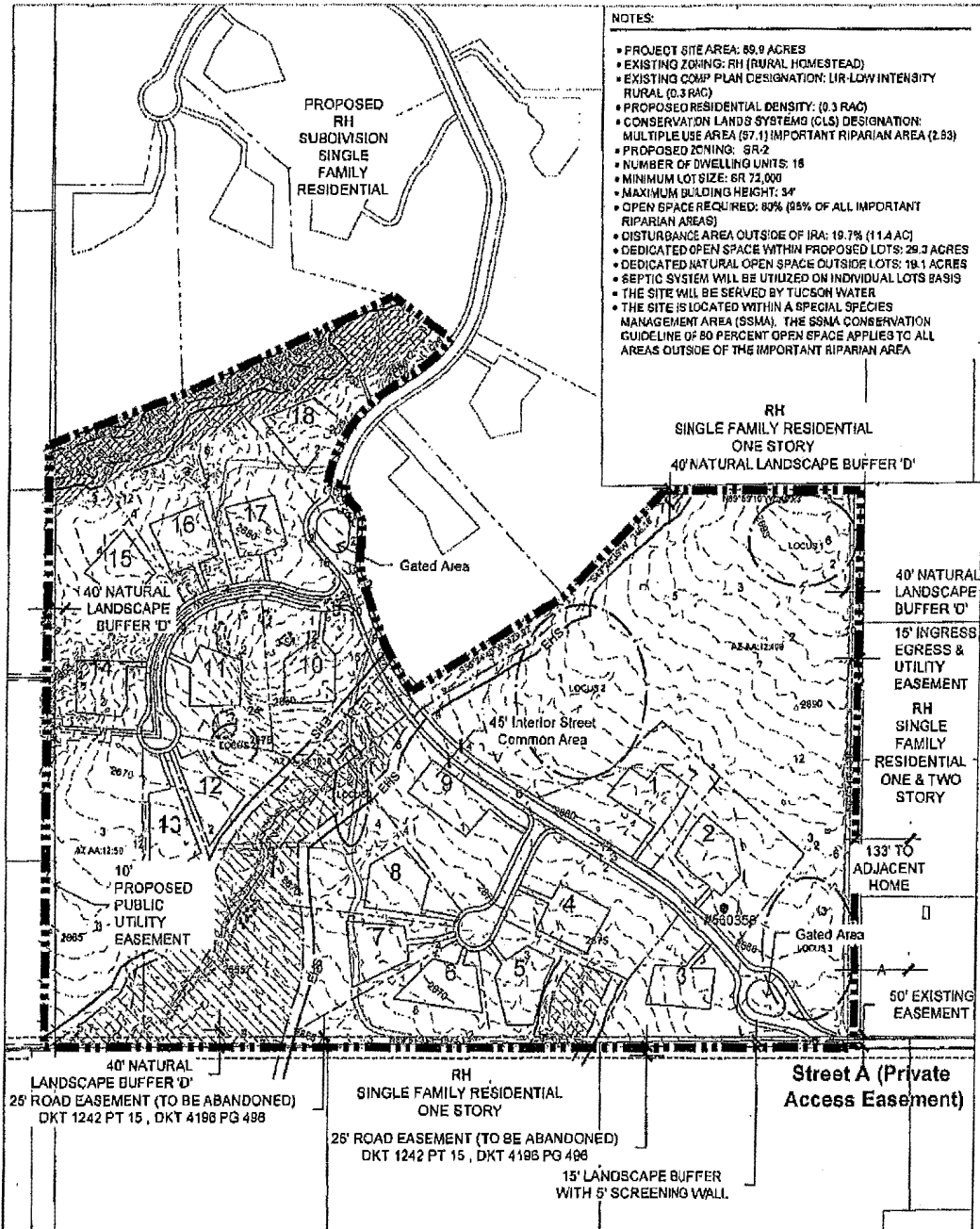
Golder Ranch Fire District did not respond to a request for comments.

PUBLIC COMMENT

Notice will be mailed to property owners within 1,000 feet of the rezoning site. As of the writing of this report, no written public comments have been received.

TD/DP/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
Co9-07-21 File



NOTES:

- PROJECT SITE AREA: 89.9 ACRES
- EXISTING ZONING: RH (RURAL HOMESTEAD)
- EXISTING COMP PLAN DESIGNATION: UR-LOW INTENSITY RURAL (0.3 RAC)
- PROPOSED RESIDENTIAL DENSITY: (0.3 RAC)
- CONSERVATION LANDS SYSTEMS (CLS) DESIGNATION: MULTIPLE USE AREA (57.1) IMPORTANT RIPARIAN AREA (2.83)
- PROPOSED ZONING: SR-2
- NUMBER OF DWELLING UNITS: 18
- MINIMUM LOT SIZE: 6R 72,000
- MAXIMUM BUILDING HEIGHT: 34'
- OPEN SPACE REQUIRED: 80% (25% OF ALL IMPORTANT RIPARIAN AREAS)
- DISTURBANCE AREA OUTSIDE OF IRA: 19.7% (11.4 AC)
- DEDICATED OPEN SPACE WITHIN PROPOSED LOTS: 29.3 ACRES
- DEDICATED NATURAL OPEN SPACE OUTSIDE LOTS: 19.1 ACRES
- SEPTIC SYSTEM WILL BE UTILIZED ON INDIVIDUAL LOTS BASIS
- THE SITE WILL BE SERVED BY TUCSON WATER
- THE SITE IS LOCATED WITHIN A SPECIAL SPECIES MANAGEMENT AREA (SSMA). THE SSMA CONSERVATION GUIDELINE OF 80 PERCENT OPEN SPACE APPLIES TO ALL AREAS OUTSIDE OF THE IMPORTANT RIPARIAN AREA

RH
SINGLE FAMILY RESIDENTIAL
ONE STORY
40' NATURAL LANDSCAPE BUFFER 'D'

LEGEND:

	Site Boundary		Important Riparian Area (2.83 Acres)		Building Setback
	1' Elevation Contour		Archaeological Locus		Easement
	Erosion Hazard Buffer		Archaeological Sites		Saguaros (110)
	Rock Outcrops		15%-26% Slopes		
	100 Year Floodplain		25% + Slopes		
	Conceptual Building Envelopes		Preliminary 404 Jurisdictional Washes		
	Landscape Bufferyard "D"		Existing Well Site		

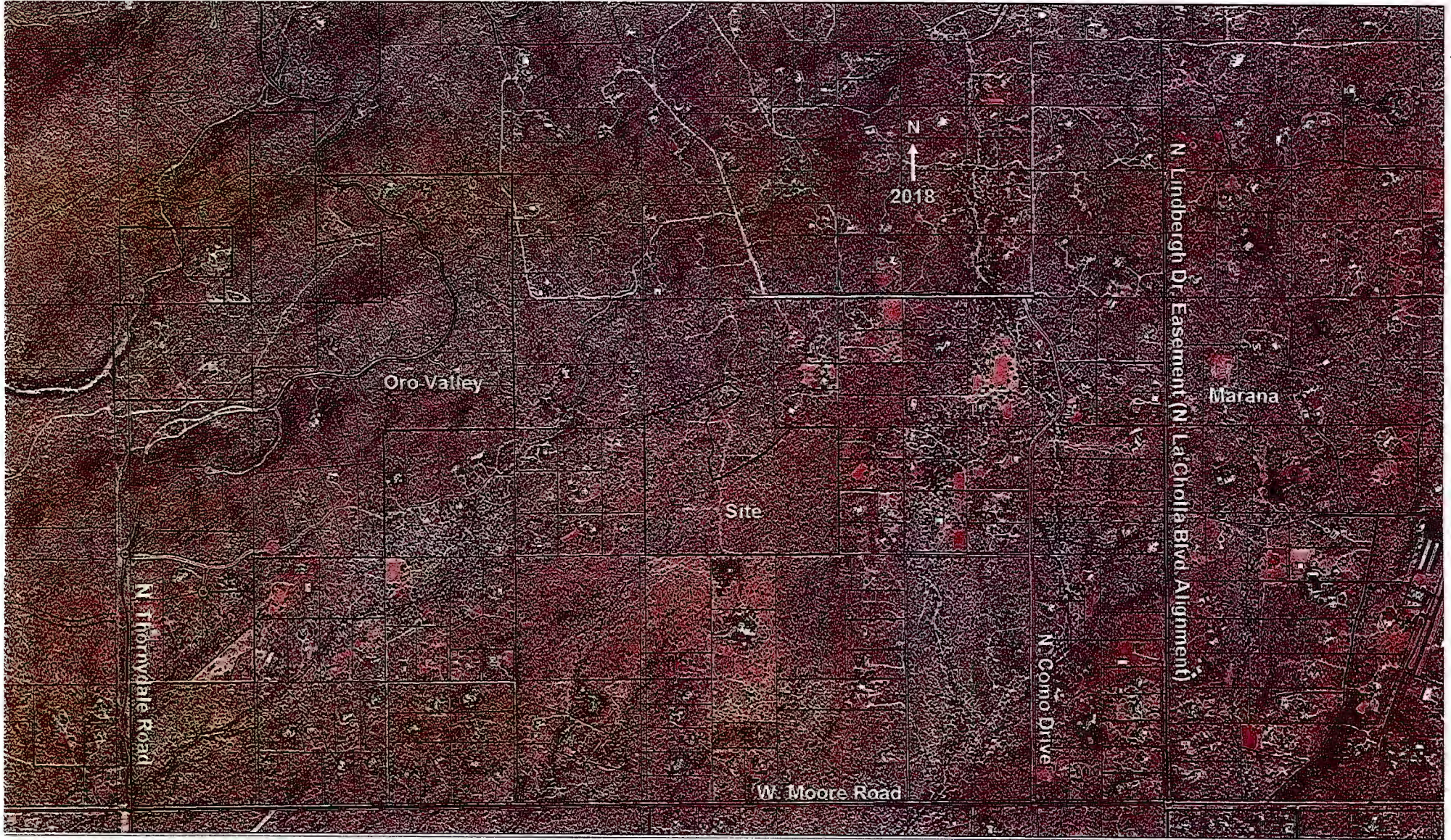
THE PLANNING CENTER

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Scale: 1"=400'

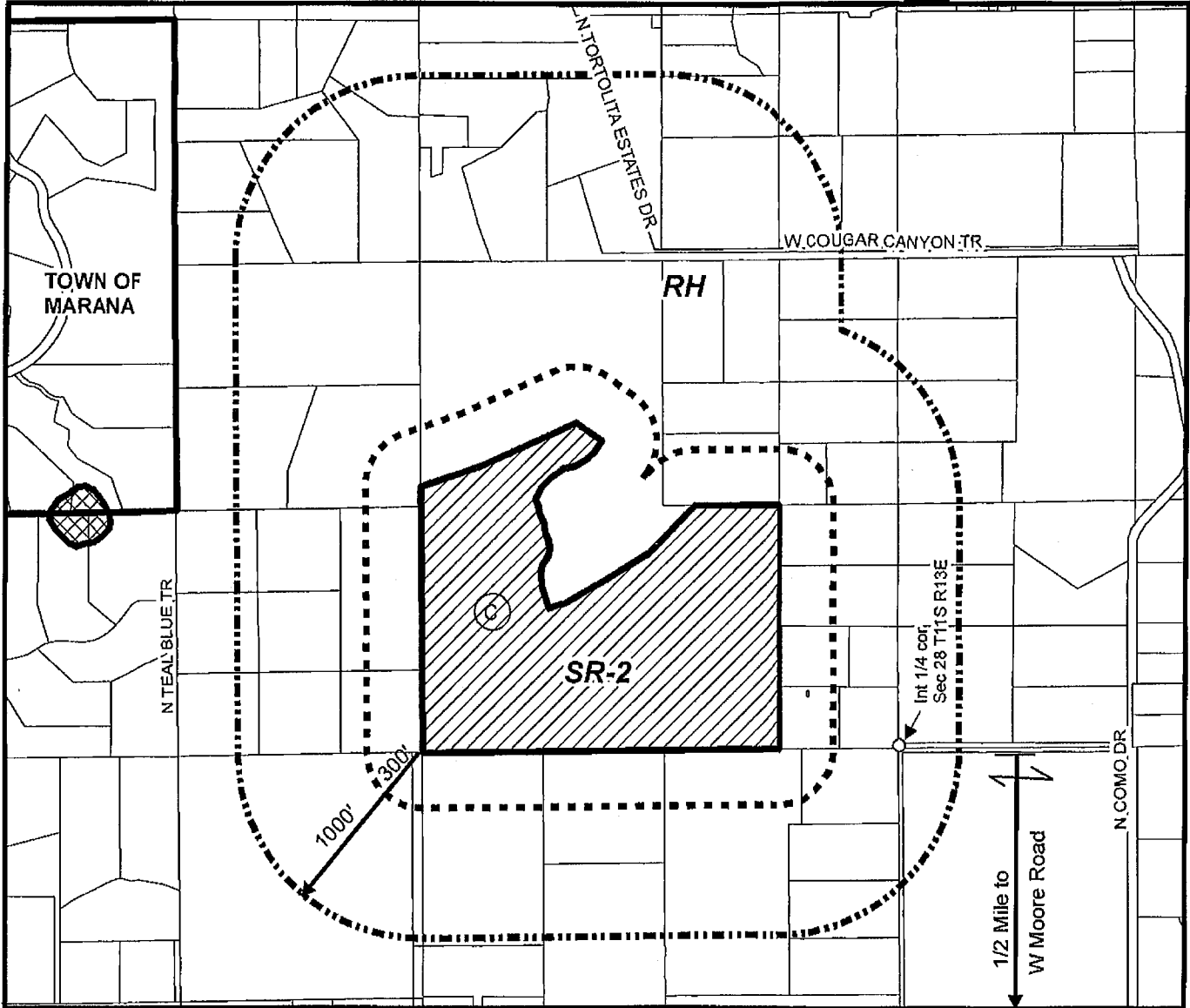
Re: AAA-01_PLANNERS EMBL (S) 01 21 DRWG (P) 06.03



Case #: Co9-07-021
 Case Name: STEWART TITLE & TRUST 3652 - N COMO DRIVE REZONING

Tax Code(s): Portion of 219-26-009E

-  300' Notification Area
-  Portion of Subject Property
-  1000' Notification Area
-  Zoning Boundary
-  Protected Peaks and Ridges - Level 1



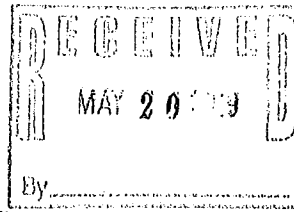
0 355 710 1,420 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION



Notes: Rezoning Closure/Time Extension		
PIMA COUNTY COMPREHENSIVE PLAN GO7-13-10		
Board of Supervisors Hearing: 9/17/19	Ref Case: P19SA0004	
Base Map(s): 351	Map Scale: 1:10,000	Map Date: 8/20/2019 - ds





Law Offices

ABOUD & ABOUD, P.C.

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May 15, 2019

Chris Poirier
Assistant Planning Director
Pima County Development Services
201 North Stone, 2nd Floor
Tucson, AZ 85701-1207

**Re: Time Extension Request for Co9-07-21
North Como Drive rezoning AAA-03**

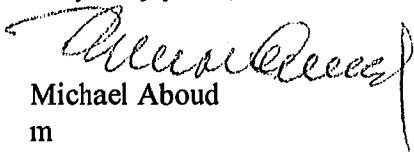
Dear Chris:

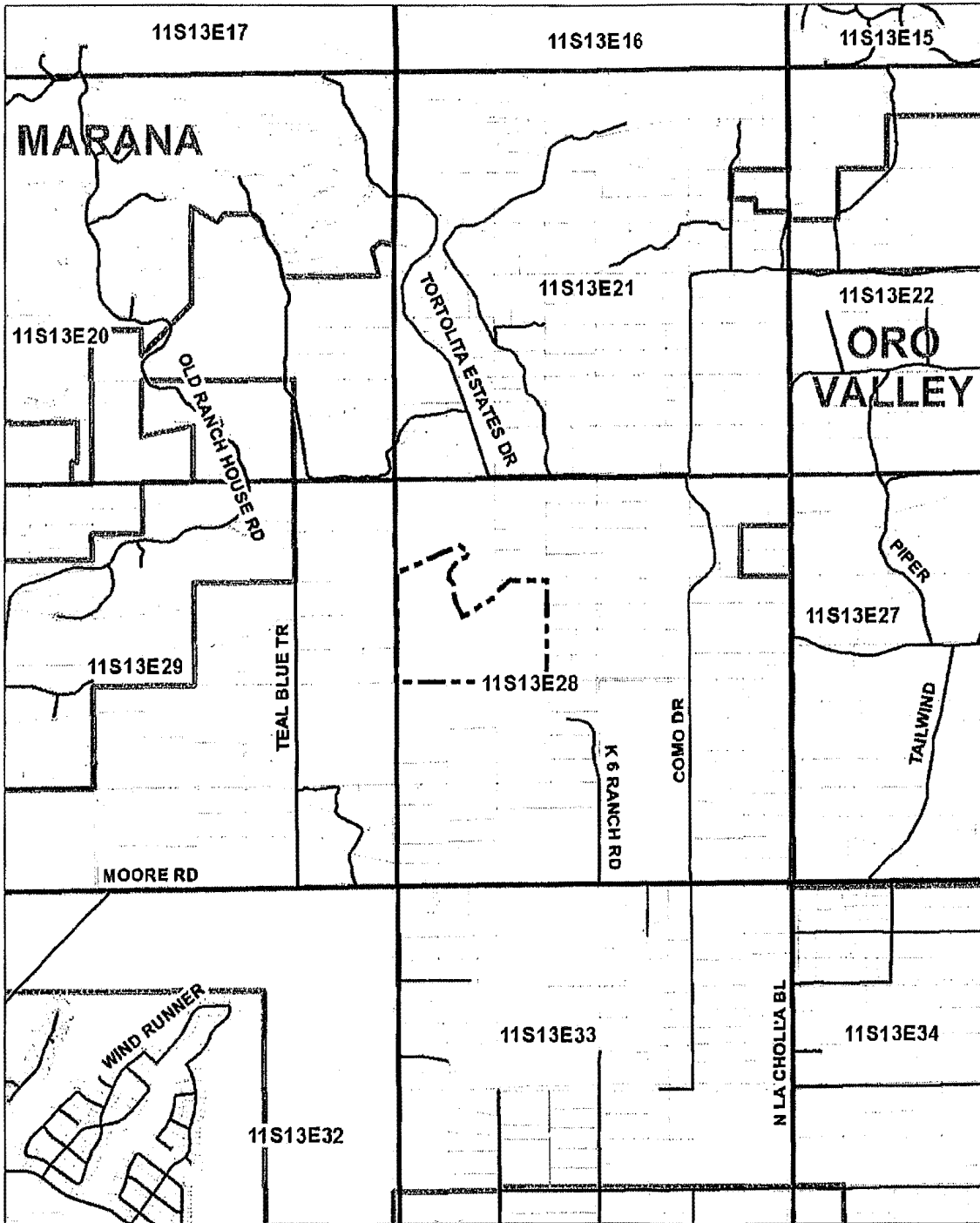
I am the spokesperson for the Aboud family and business entity who are the beneficiaries of Stewart Title & Trust No. 3652, the titleholder of record of the subject property. On its behalf, I am requesting a denial of the rezoning closure and a 5-year time extension for rezoning Case No. Co9-07-21, North Como Drive Rezoning. The subject site is right at 100 acres, but only approximately 59.91 acres of which is the subject of the rezoning. Our property is roughly 2,500 west of Como Drive in Pima County, and located in Township 11 South, Range 13 East, Section 28, on County Assessor's Parcel number 219-26-009E. See enclosed location map.

This parcel is still vacant, and since there continues to be no economically-feasible market for larger lot single family residential development, a 5-year time extension is necessary for the residential vacant lot market to recover further. In addition, during the time period since the initial rezoning, with a great deal of time, effort and expense, we have successfully worked with Tucson Water and approximately 17 property owners to have a large Tucson Water main extended from the west to our property. This main will not only serve the lots in our property but will enable all property owners along the route of the main to have access to municipal water - a hugely important benefit in light of the dwindling availability of well water in the area. With Robin Freiman's assistance, we got approval of the name Como Bosque for the access road from N Comot Dr. Finally, we continue to work with Carla Blackwell to iron out an acceptable Assurance Agreement, appropriate CC&Rs, and a homeowners association.




Thanks for your help, and please let us know if there is anything else you need from us.

Very truly yours,


Michael Aboud
m

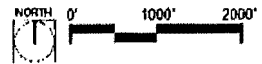


LEGEND

-  Site Boundary
-  Township, Range & Section
-  Jurisdictional Boundaries

Notes:

Project Site is located at:
 Township 11S, Range 13E, and Section 28
 Acreage: Approx. 59.9 AC
 Parcel ID # 219-26-009E



FILE NAME location_6x8.mxd
 SOURCE: Pima County GIS, 2015



F. ANN RODRIGUEZ, ORDER
Recorded By: KN
DEPUTY RECORDER
4890

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



SEQUENCE: 20152820844
NO. PAGES: 8
RES 10/09/2015 18:00
PICK UP
AMOUNT PAID: \$0.00

RESOLUTION 2015- 68

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-07-21 STEWART TITLE AND TRUST TR 3652 - NORTH COMO DRIVE REZONING; LOCATED APPROXIMATELY 2,500 FEET WEST OF NORTH COMO ROAD, APPROXIMATELY ONE-HALF MILE NORTHWEST OF THE INTERSECTION OF MOORE ROAD AND LA CHOLLA BOULEVARD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2010-55.

The Board of Supervisors of Pima County, Arizona finds that:

1. On May 5, 2009, the Pima County Board of Supervisors approved the rezoning from RH (Rural Homestead Zone) to SR-2 (Suburban Ranch Estates) in rezoning case Co9-07-21 - North Como Drive Rezoning, subject to standard and special conditions.
2. On September 21, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2010-55, recorded in Docket 13903 at Page 3866, rezoning the approximate 59.91 acres described in rezoning case Co9-07-21 - North Como Drive Rezoning (shown on Exhibit A) and memorializing the standard and special conditions.
3. On May 5, 2015 the owner of the 59.91 acres applied for a five-year time extension.
4. On July 7, 2015, the Board of Supervisors approved a five-year time extension for the 59.91 acres in rezoning case Co9-07-21 - North Como Drive Rezoning (shown on Exhibit A) with modified rezoning conditions.
5. Section 3 of Ordinance No. 2010-55 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2010-55 are restated and modified as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. ~~Recording of a covenant holding Pima County harmless in the event of flooding.~~
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.

43. Provision of development related assurances as required by the appropriate agencies.
54. 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.
65. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
76. Transportation conditions:
A. Offsite improvements to Moore Road and Como Drive may be required as determined necessary by the Department of Transportation.
B. Offsite improvements shall be required for the access between the rezoning subject property and Como Drive as determined necessary by the Department of Transportation (shown as Street A on the Preliminary Development Plan).
87. Environmental Quality conditions:
A. A geologic report shall be provided that contains the results of percolation testing/soil characterization and appropriate depth boring logs for each proposed lot in the subdivision. These tests shall be performed by an Arizona registered professional engineer, and shall demonstrate that an on-site disposal system can be permitted on each lot. The depth to groundwater shall be provided in this report.
B. In accordance with R18-5-404, please show, on each proposed lot, suitable locations for an on-site wastewater disposal system and a 100% reserve area. The size of these systems shall be determined from the tests performed as required above, and applied to a hypothetical four bedroom residence (also to be shown on the Tentative Plat). Also, include the design calculations used to size the preliminary and reserve on-site disposal fields. On-site disposal systems may not be located in floodway areas, erosion hazard setbacks, or within fifty feet of washes, whichever is more restrictive.
C. Percolation test/soil evaluation holes shall be shown on the Tentative Plat.
98. Flood Control conditions:
A. Development associated with the rezoning subject property shall meet Critical Basin detention requirements before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
B. Off-site improvements shall be required to provide all weather access to the subject site along Street A, as shown on the preliminary development plan, before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
C. A letter of Intent to serve from a water service provider (Tucson Water) shall be submitted with the tentative plat.
D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall 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.

409. Wastewater Reclamation Management condition
The owner / developer shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

44.10. Environmental Planning conditions:

A. Total grading for the rezoning site shall not exceed 492,230 square feet. Maximum grading limits for individual lots shall be determined at the time of platting. The plat shall identify all common areas and those areas on individual lots that are set-aside and reserved from grading as natural open space.

~~B. Those elements listed in Appendix A (EXHIBIT B) of the site analysis shall be included in the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision.~~

CB. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current 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.

~~D. The following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:~~

- ~~1. Maintenance of Common Area by Association: The HOA shall be responsible for the removal of invasive non-native plant species, including those listed below, from Common Areas.~~
- ~~2. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species, including those listed below.~~

Invasive Non-Native Plant Species Subject to Control:

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

Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

EC. Walls or fences shall not be allowed along the perimeter of any lot or on the perimeter of the subject property, except for walls immediately adjacent to the gated entryway; however, walls and fences may be erected within the maximum grading area for each lot established by the subdivision plat. Walls shall not be located within natural open space designated on each individual lot. These restrictions shall be a Permitting Note on the plat.

4211. Cultural Resources conditions:

- A. A cultural resources mitigation plan (that includes strategies for Preservation and/or Data Recovery) for any identified archaeological sites on the subject property that are not avoided by development 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.
- B. 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.

4312. The following conditions shall be required in support of County Sustainability Initiatives:

- A. Water harvesting techniques to be employed with subdivision roadway design and individual grading on each individual lot. Roof runoff to be directed into landscaped areas. Swales and micro basins to use stormwater to irrigate vegetation.
- 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 shall be encouraged and not be prohibited.
- C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
- D. Each house shall be built with a greywater stub out.

~~14. 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.~~

4513. 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.

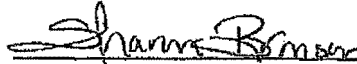
4614. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights 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 to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

4715. Adherence to the preliminary development plan (EXHIBIT C) as approved at public hearing.

Section 2. Section 3 of Ordinance No. 2010-55 is amended and time limit extended as follows:

1. Conditions 1 through 4715 shall be completed by May 5, 2014 2019.
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 Resolution until all conditions 1 through 4715 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.

Passed and adopted, this 6th day of October, 2015.



Chair, Pima County Board of Supervisors

OCT 06 2015

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Deputy County Attorney
Lesley M. Lukach

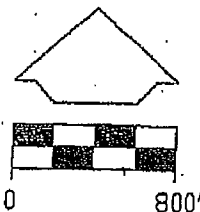
APPROVED:

A handwritten signature in black ink, appearing to be "A. Stoll", written over a horizontal line.

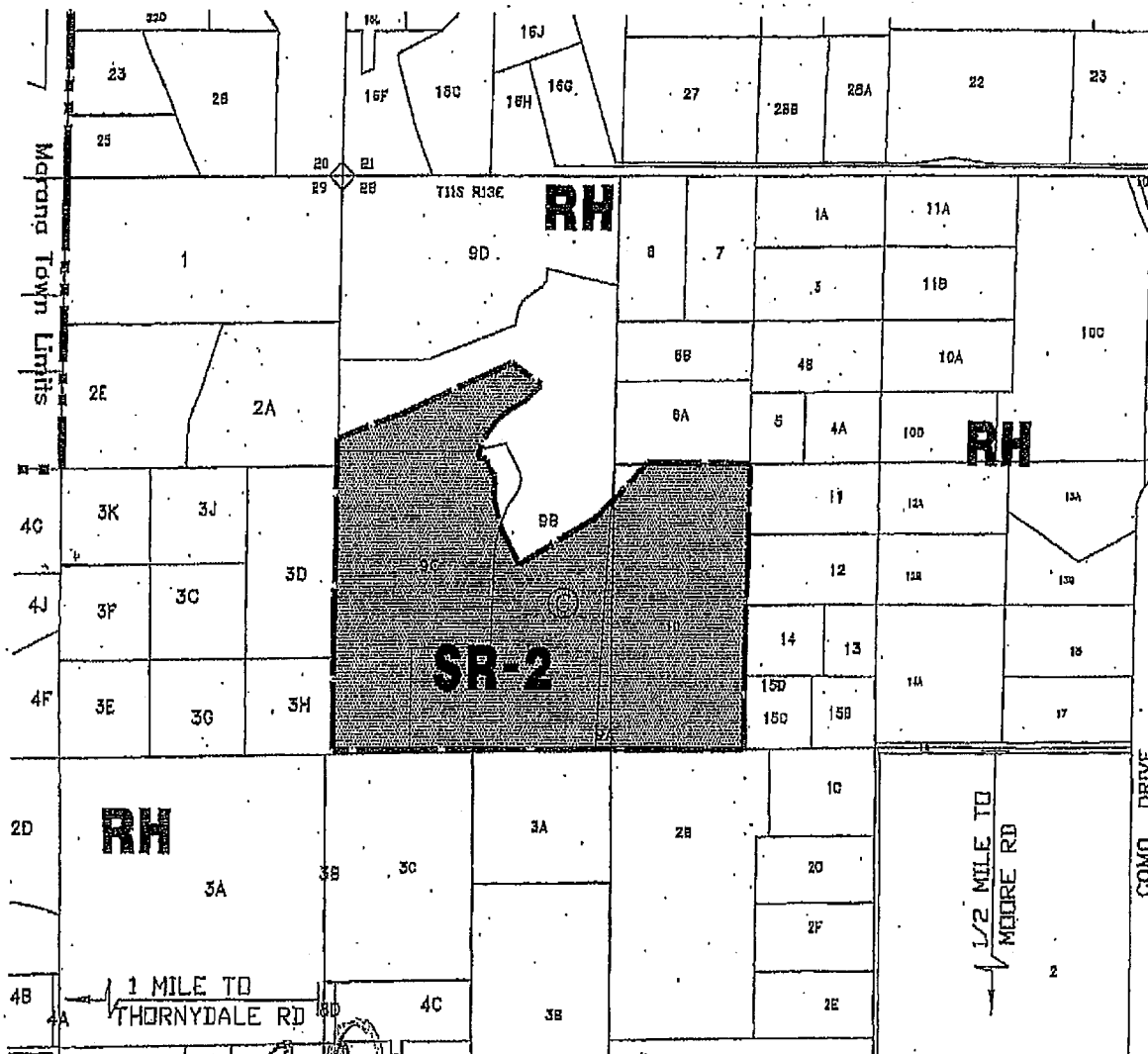
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 1 BY ORDINANCE NO. 2010-55
TO PIMA COUNTY ZONING MAP NO. 351 TUCSON, AZ.
PORTION OF PARCELS 009A, 009B, 009C & 0100 BEING A PART
OF THE NW 1/4 OF SEC. 28, T11S R13E.



ADOPTED SEPTEMBER 21, 2010 EFFECTIVE SEPTEMBER 21, 2010

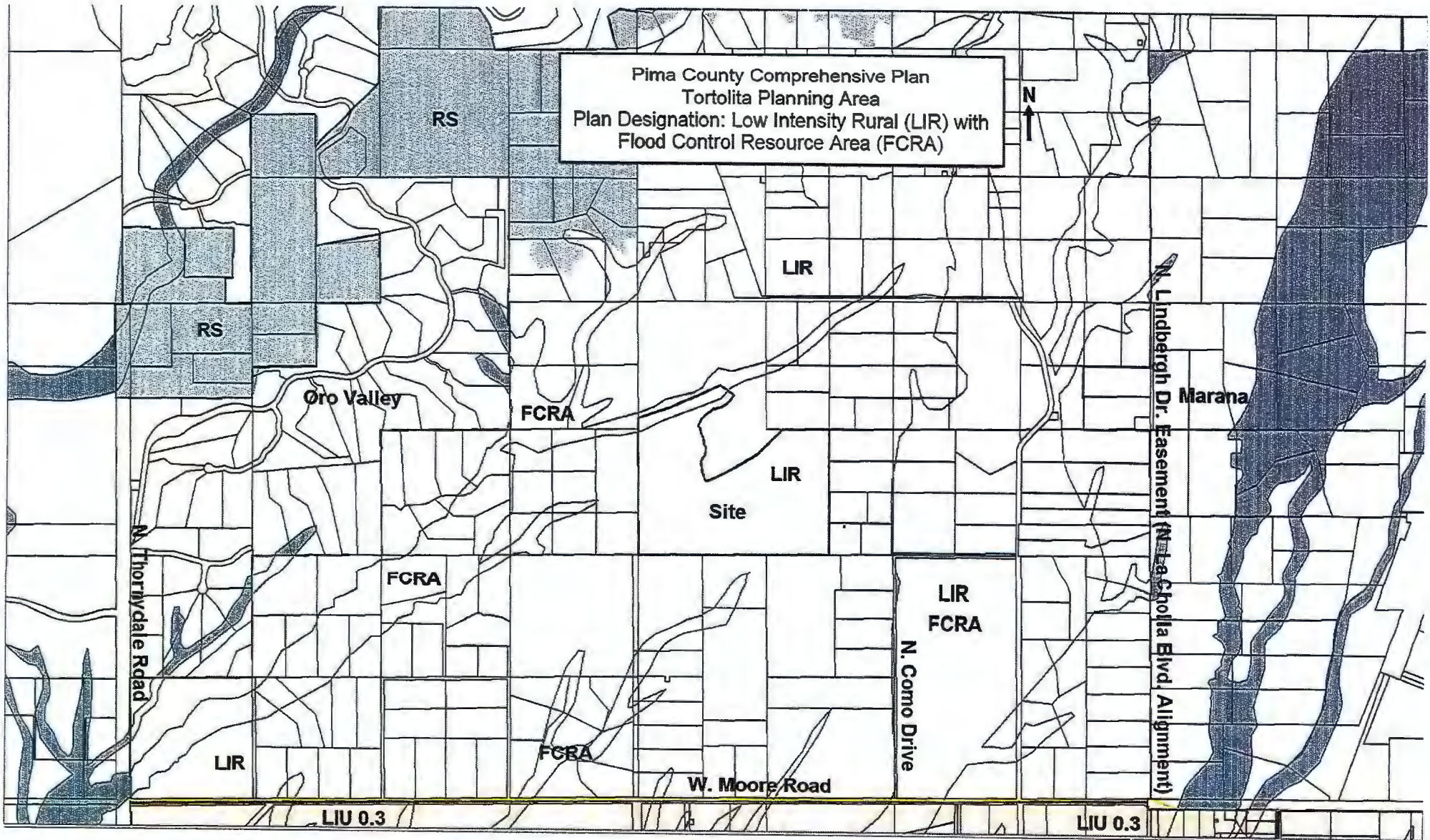


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM RH 59.91 ac±
ds-JULY 26, 2010

C09-07-021
219-26-009A, 009B,
009C & 0100

Pima County Comprehensive Plan
Tortolita Planning Area
Plan Designation: Low Intensity Rural (LIR) with
Flood Control Resource Area (FCRA)



LIU 0.3

LIU 0.3

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.

.....

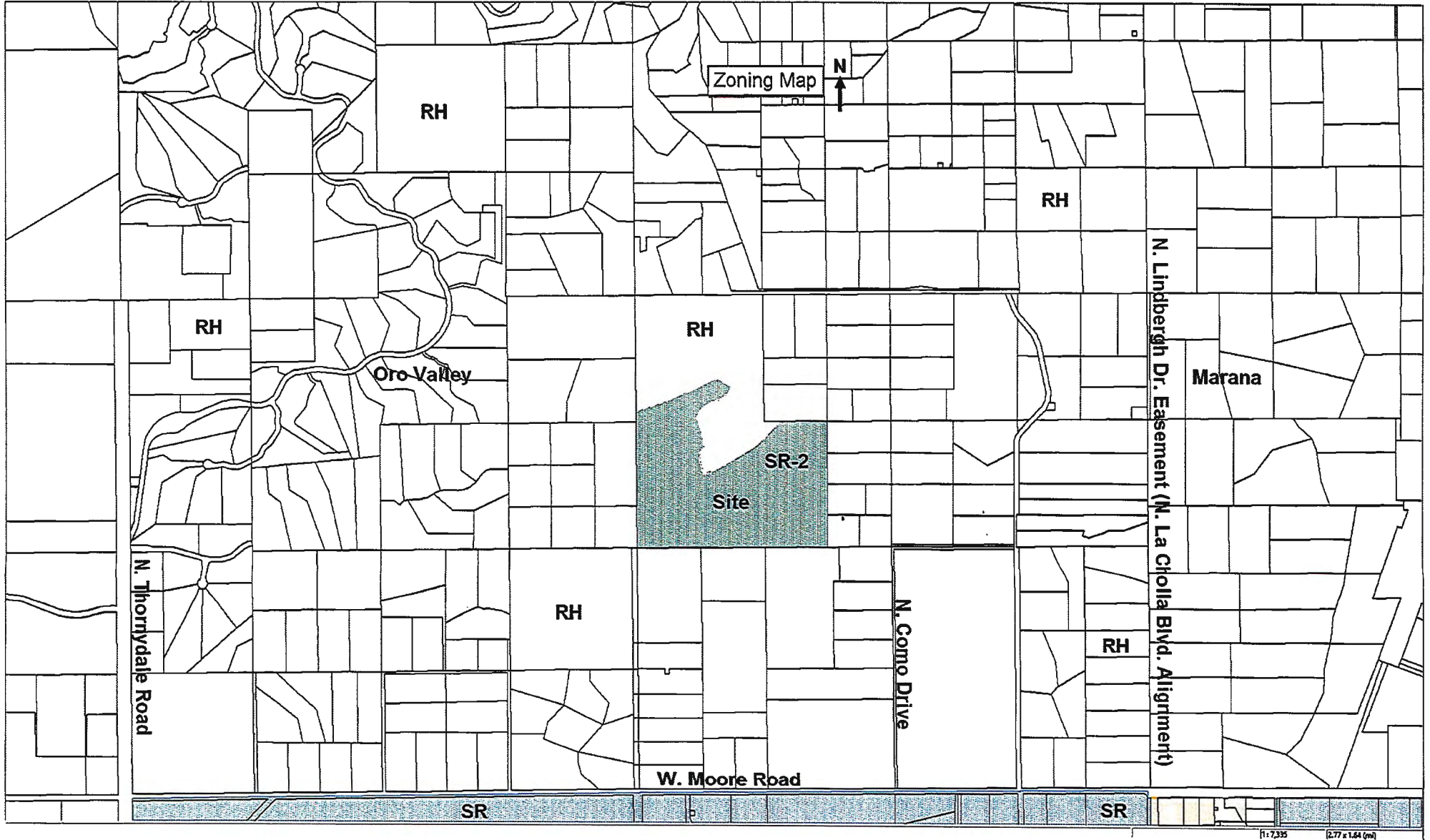
A. RURAL INTENSITY CATEGORIES

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

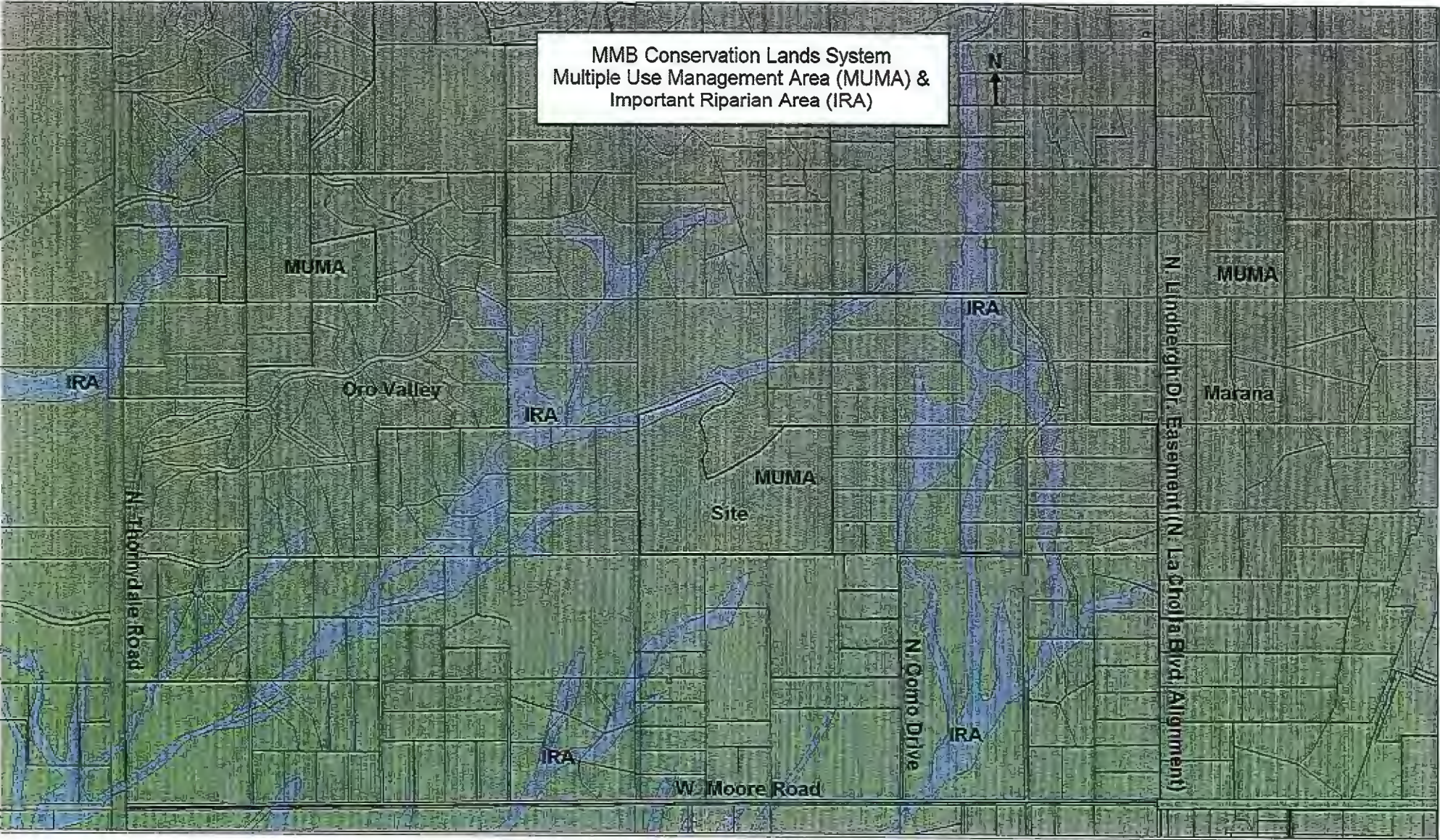
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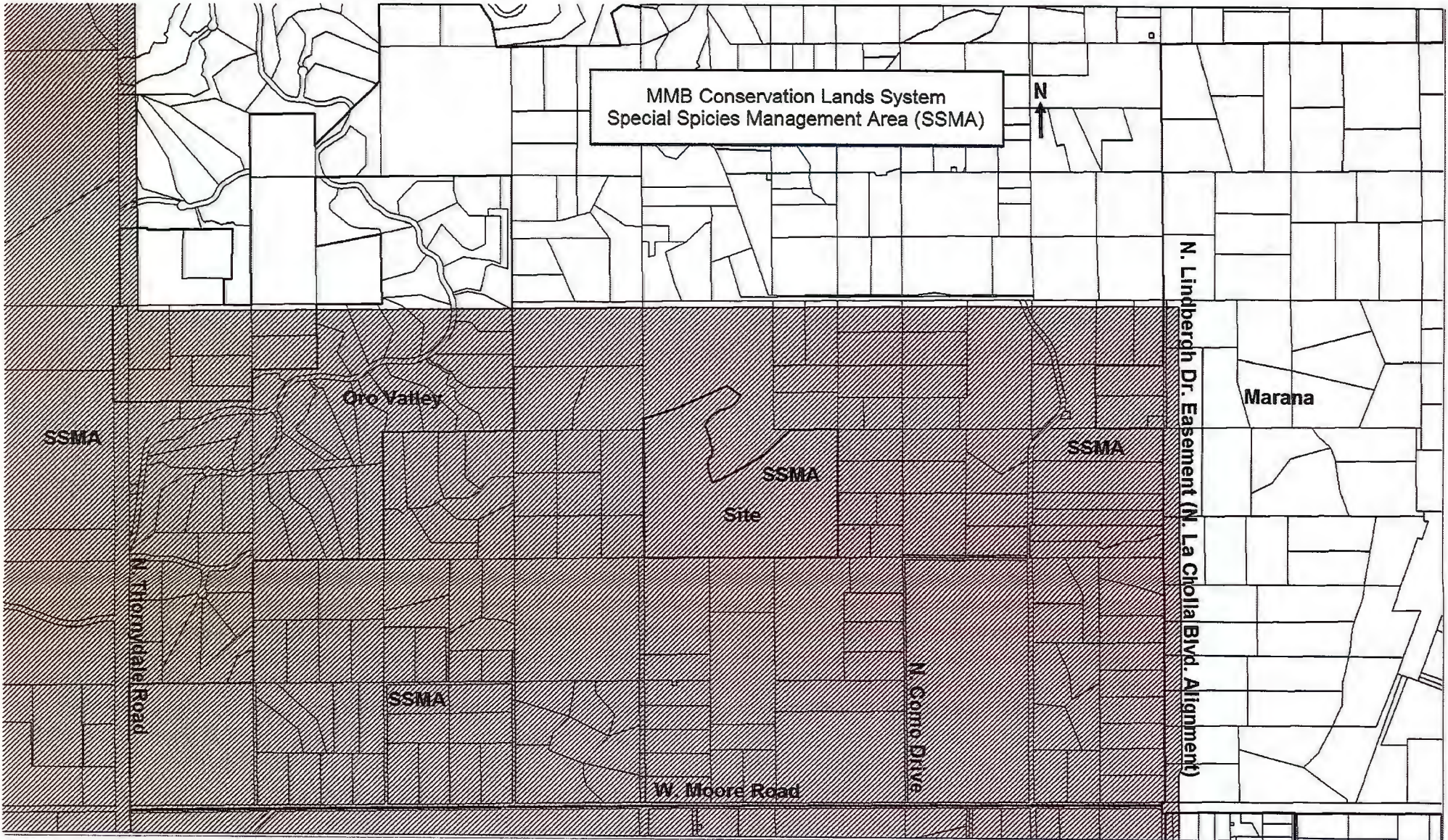
4. **Low Intensity Rural (LIR)**

- a. Objective: To designate areas for residential uses at densities consistent with rural and resource-based characteristics.
- b. Residential Gross Density: Residential gross density shall conform to the following:
 - 1) Minimum – none
 - 2) Maximum – 0.3 RAC.
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
 - 1) Minimum – none
 - 2) Maximum – 0.3 RAC.



MMB Conservation Lands System
Multiple Use Management Area (MUMA) &
Important Riparian Area (IRA)





MMB Conservation Lands System
Special Species Management Area (SSMA)

N ↑

Oro Valley

Marana

Site

SSMA

SSMA

SSMA

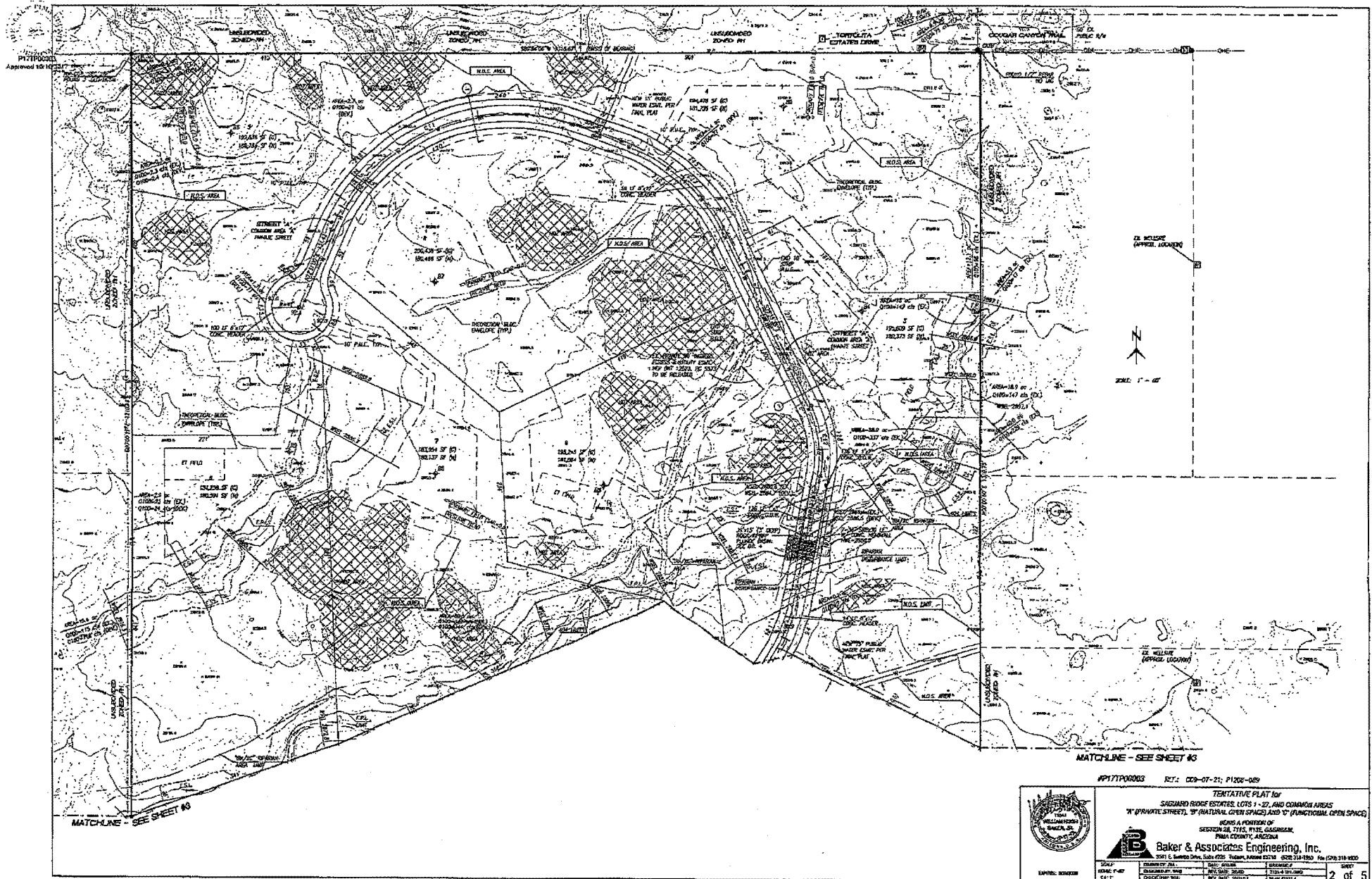
SSMA

W. Moore Road

N. Thornydale Road

N. Come Drive

N. Lindbergh Dr. Easement (N. La Cholla Blvd. Alignment)



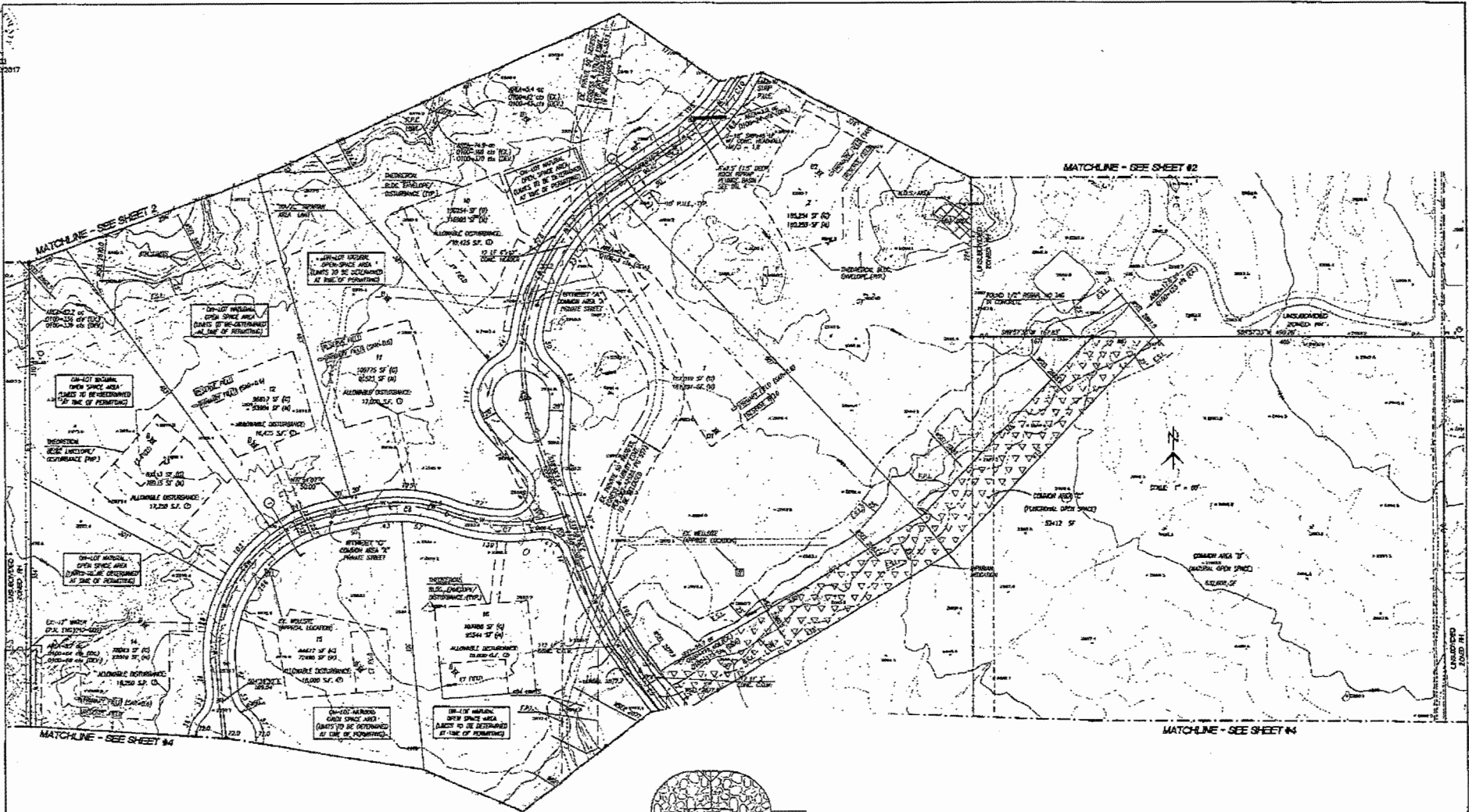
PROJECT: 000-07-21; P1202-009



TENTATIVE PLAT for
 SAGUARO RIDGE ESTATES, LOTS 1-27, AND COMMON AREAS
 "A" (PRIVATE STREET), "B" (NATURAL OPEN SPACE) AND "C" (FUNCTIONAL OPEN SPACE)
 BEING A PORTION OF
 SECTION 28, T11S, R12E, COCHISE COUNTY,
 PINA COUNTY, ARIZONA


Baker & Associates Engineering, Inc.
 3301 E. Saguaro Drive, Suite 4000, Tucson, Arizona 85718 (520) 214-1800 Fax (520) 318-9800

DATE: 10/15/03	DESIGNED BY: W.B. BAKER	CHECKED BY: W.B. BAKER	DATE: 10/15/03
SCALE: AS SHOWN	PROJECT NO: 000-07-21	PLAT NO: P1202-009	SHEET NO: 2 OF 5



#P17700003 REF: CD-01-21; P1226-029

TENTATIVE PLAT for
 SQUARED HOUSE LOTS, LOTS 1-27, AND COMMON AREAS
 "A" (PRIVATE STREET), "B" (NATURAL OPEN SPACE) AND "C" (FUNCTIONAL OPEN SPACE)
 BEING A PORTION OF
 SECTION 22, T11N, R7E, GASTANEA
 PRIMA COUNTY, ARIZONA

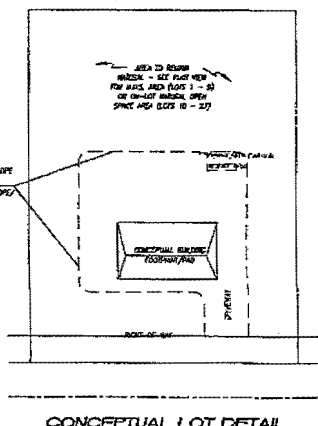
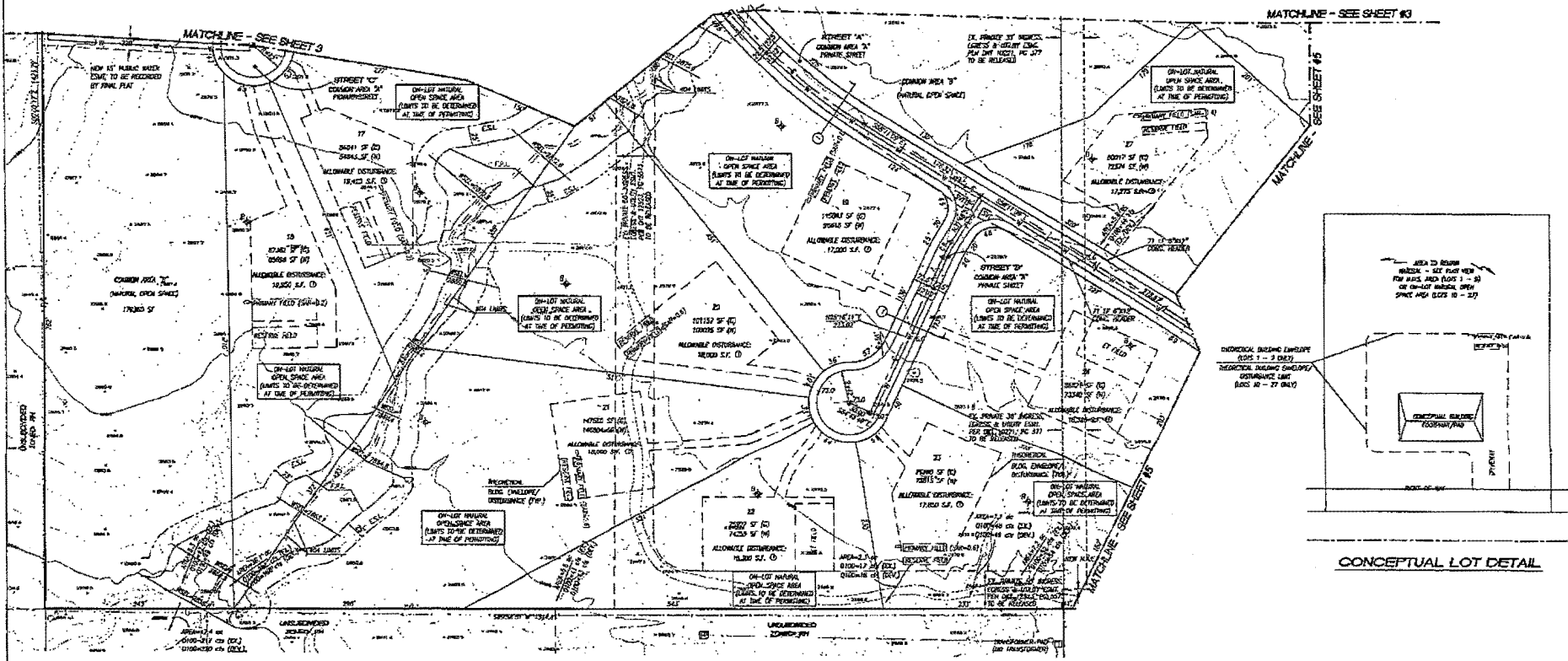

Baker & Associates Engineering, Inc.
 1001 E. Southern Ave., Suite #205, Tempe, Arizona 85283 (480) 967-9993 Fax: (480) 967-9999

DATE	DESIGNED BY	CHECKED BY	DATE	SCALE
10/10/2017	W. BAKER	W. BAKER	10/10/2017	AS SHOWN
APPROVED BY	PROJECT NO.	PROJECT NAME	PROJECT LOCATION	PROJECT SHEET
W. BAKER	CD-01-21; P1226-029	SQUARED HOUSE LOTS	SECTION 22, T11N, R7E, GASTANEA	3 of 5



ON-LOT DISTURBANCE ALLOWANCE KEYNOTE (LOTS 10 - 27)
 (1) FINAL SPECIFIC LOCATION/CONSTRUCTION OF DISTURBANCE AREA FOR LOTS 10 - 27 WILL BE DETERMINED/LOCATED AT THE TIME OF RECORDING SAID PLAN

N
 SCALE: 1" = 60'



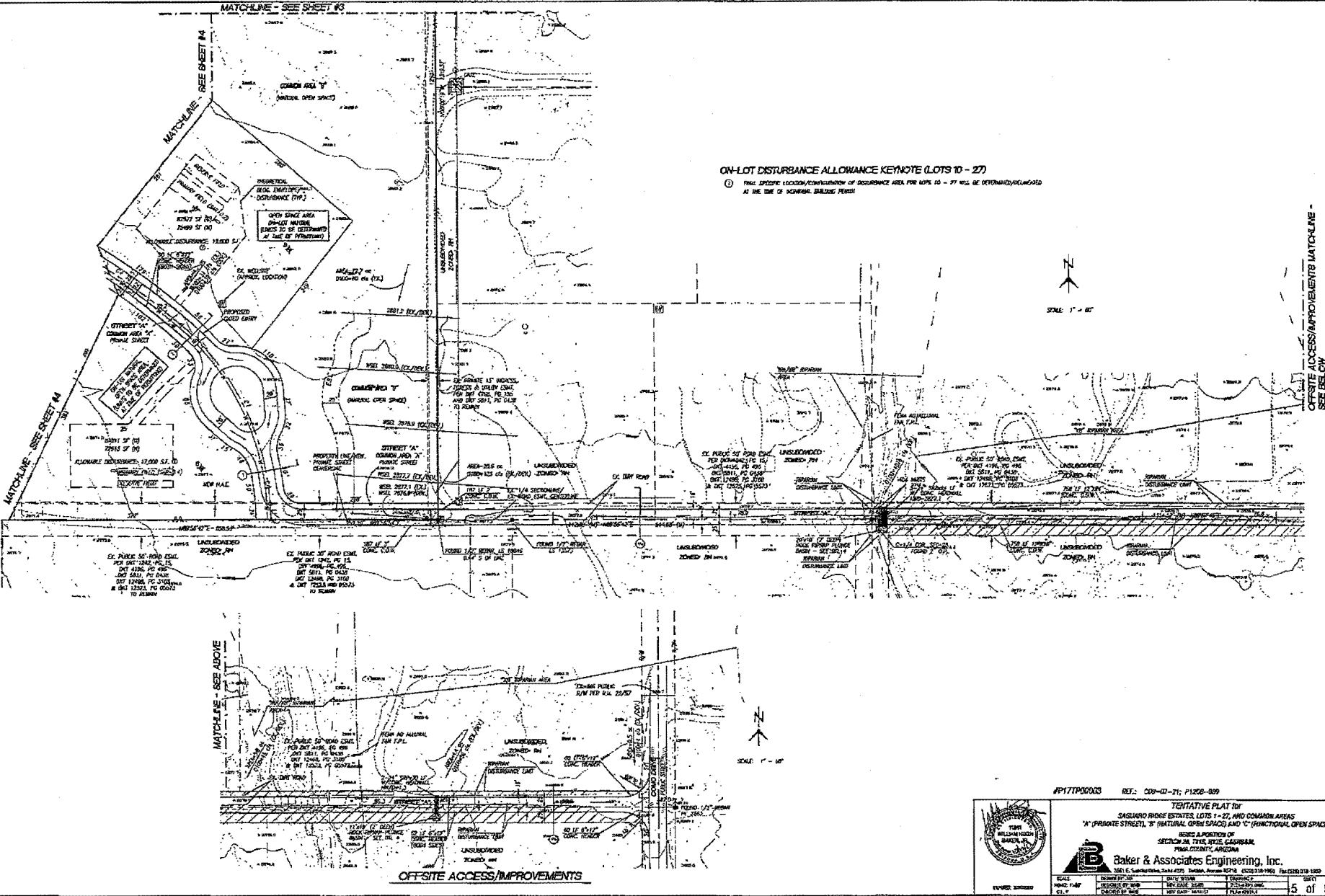
#P1717P00003 REF: G03-07-01; P1208-029



TENTATIVE PLAT for
SAGUARO RIDGE ESTATES, LOTS 1 - 27, AND COMMON AREAS
 IN PRIVATE STREET, 75' NATURAL OPEN SPACE AND 15' FUNCTIONAL OPEN SPACE
 BEING A PORTION OF
 SECTION 08, T17S, R10E, G4S3800A
 PIMA COUNTY, ARIZONA

Baker & Associates Engineering, Inc.
 2011 E. Broadway, Suite 1075, Tucson, Arizona 85719 (520) 278-9999 Fax: (520) 278-9955

DATE: 10/10/2017	SCALE: 1" = 60'	SHEET: 4 of 5
DRAWN BY: [Name]	CHECKED BY: [Name]	DATE: [Date]
DESIGNED BY: [Name]	APPROVED BY: [Name]	DATE: [Date]
PROJECT NO: [Number]	PROJECT NAME: [Name]	PROJECT LOCATION: [Location]



ON-LOT DISTURBANCE ALLOWANCE KEYNOTE (LOTS 10 - 27)

1. FINAL OFFSITE LOCATION/CONFIGURATION OF DISTURBANCE AREA FOR LOTS 10 - 27 WILL BE DETERMINED/LOCATED AT THE TIME OF SCHEMATIC BUILDING PERMITS



OFF-SITE ACCESS/IMPROVEMENTS MATCHLINE - SEE SHEET C-V

MATCHLINE - SEE ABOVE



OFF-SITE ACCESS/IMPROVEMENTS

#P17780003 REF: C09-03-21; P1208-009



TENTATIVE PLAT FOR
SAGUARO RIDGE ESTATES, LOTS 1-27, AND COMMON AREAS
 "A" (PRIVATE STREET), "B" (NATURAL OPEN SPACE) AND "C" (FUNCTIONAL OPEN SPACE)
 BEING ALIGNED BY
 SECTION 28, TITLE 19, SUBCHAPTER 101A,
 PENAL CODE, ARTICLE 101.001, TEXAS
Baker & Associates Engineering, Inc.
 5415 E. Southway Drive, Suite 4200, Dallas, Texas 75246 (972) 632-2100 FAX (972) 632-1100

SCALE	DATE	BY	CHECKED	DATE
1" = 40'	10/10/17	TJW	BJW	10/10/17
REVISION #	DESCRIPTION	DATE	BY	BY
1	ISSUE FOR PERMITS	10/10/17	TJW	BJW

Co9-07-21 Rezoning Time Extension Approval BOS Minutes 7-7-15

B. Contract

KE&G Construction, Inc., to provide for the Pantano River Path 5th Street Wash to Speedway Boulevard Project, RTA (30.4%) and Federal (69.6%) Funds, contract amount \$723,900.00 (CT-PW-15-544)

George Widugiris, Procurement Director, explained the protest submitted by Falcone Brothers & Associates, Inc., pertained to the requirement that bidders be pre-qualified under the Arizona Department of Transportation at the time of submission. He noted that although Falcone Brothers & Associates, Inc., were subsequently pre-qualified, they were not pre-qualified at the time of bid submittal.

Gaetano Falcone, Falcone Brothers & Associates, Inc., stated the solicitation required bidders to be pre-qualified, but failed to specify by what date.

It was moved by Supervisor Elfas, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the hearing and uphold the decision of the Procurement Director.

It was thereupon moved by Supervisor Carroll, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to approve the award as recommended by staff.

HEALTH

22. Hearing - Pima County Code Text Amendment

ORDINANCE NO. 2015 - 21, of the Board of Supervisors, relating to animals; amending Pima County Code Chapter 6.04 to add a surrender fee for the impoundment of certain animals.

At the request of staff and without objection, this item was removed from the agenda.

DEVELOPMENT SERVICES

23. Hearing - Rezoning Time Extension

Co9-07-21, STEWART TITLE AND TRUST TR 3652 - NORTH COMO DRIVE REZONING

Request of Stewart Title and Trust TR 3652, represented by The Planning Center, for a five year time extension for approximately 59.91 acres from the RH (Rural Homestead) zone to the SR-2 (Suburban Ranch Estates) zone. The rezoning was approved in 2009 and expired on May 5, 2014. The rezoning is located on the west side of N. Como Drive easement, approximately 1/2 mile north of the intersection of W. Moore Road and N. La Cholla Boulevard. Staff recommends APPROVAL OF A FIVE YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

7-7-2015 (7)

Staff's recommendation is subject to original and modified standard and special conditions as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
- ~~2.~~ ~~Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~2 3.~~ Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- ~~3 4.~~ Provision of development related assurances as required by the appropriate agencies.
- ~~4 5.~~ Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
- ~~5 6.~~ There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- ~~6 7.~~ Transportation conditions:
 - A. Offsite improvements to Moore Road and Como Drive may be required as determined necessary by the Department of Transportation.
 - B. Offsite improvements shall be required for the access between the rezoning subject property and Como Drive as determined necessary by the Department of Transportation (shown as Street A on the Preliminary Development Plan).
- ~~7 8.~~ Environmental Quality conditions:
 - A. A geologic report shall be provided that contains the results of percolation testing/soil characterization and appropriate depth boring logs for each proposed lot in the subdivision. These tests shall be performed by an Arizona registered professional engineer, and shall demonstrate that an on-site disposal system can be permitted on each lot. The depth to groundwater shall be provided in this report.
 - B. In accordance with R18-5-404, please show, on each proposed lot, suitable locations for an on-site wastewater disposal system and a 100% reserve area. The size of these systems shall be determined from the tests performed as required above, and applied to a hypothetical four bedroom residence (also to be shown on the Tentative Plat). Also, include the design calculations used to size the preliminary and reserve on-site disposal fields. On-site disposal systems may not be located in floodway areas, erosion hazard setbacks, or within fifty feet of washes, whichever is more restrictive.
 - C. Percolation test/soil evaluation holes shall be shown on the Tentative Plat.
- ~~8 9.~~ Flood Control conditions:
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 - C. A letter of intent to serve from a water service provider (Tucson Water) shall be submitted with the tentative plat.
 - D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall 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.
- ~~9 10.~~ Wastewater ~~Reclamation Management~~ condition:

The owner / developer shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
- ~~10 11.~~ Environmental Planning conditions:
 - A. Total grading for the rezoning site shall not exceed 492,230 square feet. Maximum grading limits for individual lots shall be determined at the time of platting. The plat shall identify all common areas and those areas on individual lots that are set-aside and reserved from grading as natural open space.

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 - B. 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.
- 12 43. The following conditions shall be required in support of County Sustainability Initiatives:
- A. Water harvesting techniques to be employed with subdivision roadway design and individual grading on each individual lot. Roof runoff to be directed into landscaped areas. Swales and micro basins to use storm water to irrigate vegetation.
 - 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 shall be encouraged and not be prohibited.
 - C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
 - D. Each house shall be built with a greywater stub out.
- ~~44. 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, 2006, before a Certificate of Compliance is issued.~~
- 13 45. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- 14 46. 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 to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."
- 15 47. Adherence to the preliminary development plan (EXHIBIT C) as approved at public hearing.

Chris Poirier, Assistant Planning Director, provided the staff report and noted there was one letter of opposition regarding building height. Staff did not recommend any change to conditions regarding height due to the large lot sizes and setbacks.

Kim Poynton expressed concern regarding the ability of existing roads to support increased traffic generated by an additional 32 homes.

Chris Poirier, Assistant Planning Director, explained that although the acreage would qualify for more homes, conditions based on the preliminary development plan allowed for only 18 homes.

Alison Morgan outlined concerns regarding density, water availability and water runoff but acknowledged that if the owner was required to adhere to the preliminary development plan and the conditions as recommended, she was not opposed to the time extension.

It was moved by Supervisor Miller and seconded by Chair Bronson to close the public hearing and approve the five year time extension for Co9-07-21, subject to original and modified standard and special conditions. Upon roll call, the motion unanimously carried by a 5-0 vote.

24. **Hearing - Rezoning Time Extension**

Co9-99-22, MCGARRY/BAUM/EIDAL, ET AL. - VALENCIA ROAD REZONING

Request of McGarry, et al., represented by The Planning Center, for a five year time extension of the above-referenced rezoning for an approximately 14.66 acre portion of the original 18.44 acre rezoning site from CR-3 (Mixed Dwelling Type) to CB-2 (General Business). The subject site was rezoned in March 2000; approved for rezoning time extensions in December 2005 and June 2010; and the rezoning expired on March 21, 2015. The property is located on the northwest corner of Benson Highway and Valencia Road. Staff recommends APPROVAL OF A FIVE YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 2)

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
~~One development plan shall be submitted for the entire rezoning. Phased development of the site is permitted, provided however:~~
 - A. ~~Each phase shall adhere to the development plan presented at the public hearing on the case.~~
 - B. ~~Each phase shall provide to the satisfaction of the County Development Review Division for shared completion either through actual construction or financial contributions in lieu of construction, of all transportation and other required infrastructure improvements.~~
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department or ~~Transportation, Real Property Division.~~
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(s)/developer(s) shall provide improvements and/or financial contributions as determined necessary by the Pima County and Arizona Departments of Transportation.
 - B. Access to Benson Highway and Valencia Road shall be limited to a maximum of three access points for each road. The location and design of the access points shall need the approval of the Department of Transportation at the time of the submittal of a development plan or subdivision plat for any portion of the subject property.
 - C. Internal pedestrian and vehicular access shall be provided within the entire rezoning site (including the self-storage to reduce access driveways to both Benson Highway and Valencia Road.

Co9-07-21 Original Rezoning Approval BOS Minutes 5-5-09

responsibility to remove buffelgrass (*Pennisetum cillare*) 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 current and any future 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. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
14. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
15. Property owner/developer shall adhere to the preliminary development plan as approved by the Board of Supervisors.

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

On consideration, it was moved by Chairman Elias, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-13 with standard and special conditions.

24. DEVELOPMENT SERVICES: REZONING

Co9-07-21, STEWART TITLE AND TRUST TR. NO. 3652 – NORTH COMO DRIVE REZONING

Request of Stewart Title and Trust Tr. No. 3652, represented by The Planning Center, for a rezoning of approximately 59.91 acres from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate), on property located approximately 2,500 feet west of North Como Drive, approximately one half mile northwest of the intersection of Moore Road and La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Smith was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

"Rezoning conditions were recommended as follows:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions
 - A. Offsite improvements to Moore Road and Como Drive may be required as determined necessary by the Department of Transportation.
 - B. Offsite improvements shall be required for the access between the rezoning subject property

and Como Drive as determined necessary by the Department of Transportation (Shown as Street A on the Preliminary Development Plan).

8. Environmental Quality conditions:
 - A. A geologic report shall be provided that contains the results of percolation testing/soil characterization and appropriate depth boring logs for each proposed lot in the subdivision. These tests shall be performed by an Arizona registered professional engineer, and shall demonstrate that an on-site disposal system can be permitted on each lot. The depth to groundwater shall be provided in this report.
 - B. In accordance with R18-5-404, please show, on each proposed lot, suitable locations for an on-site wastewater disposal system and a 100% reserve area. The size of these systems shall be determined from the tests performed as required above, and applied to a hypothetical four bedroom residence (also to be shown on the Tentative Plat). Also, include the design calculations used to size the primary and reserve on-site disposal fields. On-site disposal systems may not be located in floodway areas, erosion hazard setbacks, or within fifty feet of washes, whichever is more restrictive.
 - C. Percolation test/soil evaluation holes shall be shown on the Tentative Plat.
9. Flood Control conditions:
 - A. Development associated with the rezoning subject property shall meet Critical Basin detention requirements before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
 - B. Off site improvements shall be required to provide all weather access to the subject site along Street A, as shown on the Preliminary Development Plan, before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
 - C. A letter of intent to serve from a water service provider (Tucson Water) shall be submitted with the tentative plat.
 - D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall 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.
10. Wastewater Management condition:

The owner/developer shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
11. Environmental Planning conditions:
 - A. Total grading for the rezoning site shall not exceed 492,230 square feet. Maximum grading limits for individual lots shall be determined at the time of platting. The plat shall identify all common areas and those areas on individual lots that are set-aside and reserved from grading as natural open space.
 - B. Those elements listed in Appendix A of the site analysis shall be included in the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision.
 - C. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, 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 current and any future 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.
 - D. The following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:
 1. Maintenance of Common Area by Association: The HOA shall be responsible for the removal of invasive non-native plant species, including those listed below, from Common Areas.
 2. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species, including those listed below.

Invasive Non-Native Plant Species Subject to Control:

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

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

- E. Walls or fences shall not be allowed along the perimeter of any lot or on the perimeter of the subject property, except for walls immediately adjacent to the gated entryway; however, walls and fences may be erected within the maximum grading area for each lot established by the subdivision plat. Walls shall not be located within natural open space designated on each individual lot. These restrictions shall be a Permitting Note on the plat.
12. Cultural Resources conditions:
- A. A cultural resources mitigation plan (that includes strategies for Preservation and/or Data Recovery) for any identified archaeological sites on the subject property that are not avoided by development 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.
- B. 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.
13. The following conditions shall be required in support of County Sustainability Initiatives:
- A. Water harvesting techniques to be employed with curb-cuts and depressed planter islands subdivision roadway design and individual grading on each individual lot. Roof runoff to be directed into landscaped areas. Swales and micro basins to use stormwater to irrigate vegetation.
- 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 shall be encouraged and not be prohibited by.
- C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
- D. Each house shall be built with a greywater stub out.
14. 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.
15. 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.
16. 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(f)."
17. Adherence to the preliminary development plan as approved at public hearing."

Tom Hudson, Zoning Administrator, provided a report and recommended approval with standard and special conditions. Staff received two protest letters from residents who own property to the East of the proposed rezoning area and three neighbors spoke at the public hearing expressing concerns about increased density and possible disturbances.

The following speakers addressed the Board:

1. Glenn Phillips
2. Allan Zimmerman

They provided the following comments:

- A. The proposal was an excellent project and positive input for their community.
- B. They appreciated the fact that the County would be regulating the community and maintaining high standards.
- C. Opposition of the proposal was expressed. Ecologically sound concepts and the conservation of natural open space were encouraged.

Linda Morales, representative from the Planning Center, stated all the legal easements were in place and their engineer had been coordinating with the property owner adjacent to the South of the easement on some of the features that had been put into the easement over the years. She stated that some common areas of open spaces along the washes and some large archeological sites would be preserved.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-21 with standard and special conditions.

25. DEVELOPMENT SERVICES: REZONING

Co9-08-12, FIDELITY NATIONAL TITLE TR. 10756 - OLD VAIL ROAD REZONING

Request of Fidelity National Title Trust 10756, represented by Rick Engineering, for a rezoning of approximately 21.30 acres from RH (Rural Homestead) to CI-1 (Light Industrial/Warehousing) on property located on the north and south sides of Old Vail Road, approximately 2,500 feet northwest of Colossal Cave Road, between two Union Pacific railroad tracks. The proposed rezoning conforms to the Pima County Comprehensive Plan. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Smith was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

*Rezoning conditions were recommended as follows:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan or subdivision plat if determined necessary by the appropriate County agencies.