



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: May 19, 2020

Title: P19RZ00012 HARBOUR TRUST 1/3, ET AL - N. LA CHOLLA BOULEVARD REZONING

Introduction/Background:

The applicant requests a rezoning of approximately 50.7 acres from the SR (Suburban Ranch) to CR-5 (Multiple Residence) zone for residential development of a 139-lot single-family residential subdivision located within the Maeveen Marie Behan Conservation Lands System (CLS).

Discussion:

Current SR zoning allows for 15 single-family residences to be developed. There are two comprehensive land use designations for the site. The Medium Low Intensity Urban (MLIU) land use plans for a minimum of 2.5 up to a maximum of 5 residences per acre (RAC) while the Low Intensity Urban 1.2 (LIU 1.2) allows for a density bonus maximum RAC of 2.5 in exchange for a minimum of 45% open space.

Conclusion:

The requested rezoning conforms to both Comprehensive Plan designations with a RAC of 4.3 in the MLIU and a RAC of 1.4 in the LIU 1.2; the rezoning is supported by smart growth policies for efficient use of infrastructure and open space. The proposal meets the CLS guidelines with on-site and off-site natural open space preservation.

Recommendation:

Staff and the Planning and Zoning Commission recommends approval subject to standard and special conditions.

Fiscal Impact:

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Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services - Planning

Telephone: 520-724-8800


Contact: Terrill L. Tillman, Principal Planner

Telephone: 520-724-6921

Department Director Signature/Date:

 4/24/2020

Deputy County Administrator Signature/Date:

 4/24/2020

County Administrator Signature/Date:

 4/24/20



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: April 23, 2020

SUBJECT: P19RZ00012 HARBOUR TRUST 1/3, ET AL – N. LA CHOLLA BOULEVARD
REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, May 19, 2020** hearing.

REQUEST: For a **rezoning** of approximately 50.7 acres from SR (Suburban Ranch) to the CR-5 (Multiple Residence) zone, parcel codes 225-04-002A, 225-04-002C, 225-04-003P and 225-04-008B, located at the northwest corner of W. Overton Road and N. La Cholla Boulevard.

OWNERS: Harbour Trust 1/3, et al.
PO Box 35604
Tucson, AZ 85740-5604

AGENT: Projects International, Inc.
Attn: Jim Portner
10836 E. Armada Lane
Tucson, AZ 85749-9460

DISTRICT: 1

STAFF CONTACT: Terrill Tillman, Principal Planner

PUBLIC COMMENT TO DATE: As of April 23, 2020, staff has received 1 written comment without objection and 8 written public comments in protest of the rezoning.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (9 – 1, Commissioner Gungle voted NAY).

STAFF RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject site is located within the Maeveen Marie Behan Conservation Lands System (CLS) classified as Multiple Use Management Area, and Special Species Management Area.

TD/TT
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P19RZ00012

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FOR MAY 19, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: April 23, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P19RZ00012 HARBOUR TRUST 1/3, ET AL. - N. LA CHOLLA BOULEVARD REZONING

Harbour Trust 1/3, et al. represented by Projects International, Inc., requests a **rezoning** of approximately 50.7 acres from SR (Suburban Ranch) to the CR-5 (Multiple Residence) zone, parcel codes 225-04-002A, 225-04-002C, 225-04-003P and 225-04-008B, located at the northwest corner of W. Overton Road and N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2 and Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (9-1, Commissioner Gungle voted NAY). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (March 25, 2020)

The public hearing was held telephonically and in person. The commission chairman, one commissioner and four staff members were present in the hearing room and eight commissioners were present telephonically. The remaining staff, applicant and speakers presented telephonically.

Staff presented information from the staff report to the commission with a recommendation of approval with conditions.

A commissioner asked about the location of off-site mitigation lands. Staff replied that the applicant typically receives approval for the off-site land during the subdivision platting stage and are required to work with our environmental planning division for approval. Staff clarified that the developer presents the potential mitigation lands that meets the criteria of the CLS. The off-site land needs to be located within the same planning subarea, contain the same habitat and biological value and the same or higher CLS designation. Staff initiates a process with the

applicant to assess parity between the off-site mitigation land and the land being developed. There have been a number of parcels identified as mitigation lands; however, a decision will not be made until the subdivision plat stage and staff can determine full or higher environmental quality of mitigation lands being accepted for mitigation of this development. Staff would not request a developer to purchase the off-site mitigation land prior to an approved rezoning so that the developer is not left with property that cannot be used. The commissioner commented that the property is a parcel of high environmental quality that contains dense communities of saguaro and ironwood trees which would represent a loss of important habitat. The La Cholla Wash runs through the northeast corner and the parcel is unique because of its access to the wash. The commissioner asked if staff considers equal to or greater than environmental value because of the wash. Staff replied that they do consider the wash and vegetative qualities of the property, wildlife corridors and the CLS designations and the contribution of the landscape on a micro and macro level and the mitigation land has similar densities of saguaros and ironwoods.

A commissioner asked about FEMA Zone A and FEMA Zone X and whether these designations will be removed once an application to FEMA has been made. Staff replied that a FEMA Zone A is a designation with no defined base flood elevation, typically called an approximate zone. This zone was mapped for this property prior to 1999 and is currently the only information available on La Cholla Wash. The wash has some distributed flow across the site, but a detailed map of that area has not been completed. Staff stated that the applicant has provided detailed mapping which shows some of the higher elevations not inundated which is a good approximation of where flows are expected to cross the property from the La Cholla Wash and break out to the south. The primary amount of water goes across La Cholla to the east. The applicant will take the existing conditions model and present the proposed drainage model showing re-mapped flow into proposed drainage improvements to FEMA for review. Staff continued that FEMA Zone X is not regulated by the Flood Control District except for adjacent to major water courses that may be overbank flow and is mostly assumed to be unmapped floodplain. The commissioner commented that the La Cholla Boulevard improvements appear to be extensive with some channelization of the wash and asked if there is a project underway to channelize the La Cholla Wash north of the development? Staff replied that the applicant has analyzed the amount of water that is expected to go under La Cholla Boulevard into the new culvert. Previously flows across La Cholla Boulevard left significant amounts of sediment during storm events and La Cholla Boulevard drainage improvements will now provide all weather access during storm events. Because the culvert does not extend to the west, it will continue to be fed by flows in a spread-out manner. The applicant has tried to quantify this flow through the culvert and estimates it to be about the same as the past and the flows that will continue south looks like about 700 to 800 cfs.

A commissioner questioned the statement from staff's report that discussed the alluvial fan and FEMA's approach to alluvial fans, namely the importance of that statement and the possible outcomes? Staff replied that a district hydrologist who has worked with FEMA over many years presented this information as a worst case scenario and FEMA will review this more closely. The Flood Control District has cautioned the applicant in moving forward prior to FEMA approval and will require compliance with the Flood Plain Ordinance at the time of development. The District cannot control FEMA mapping but will provide an acknowledgement to FEMA that they are in agreement with the analysis that the applicant has provided. A commissioner questioned whether the layout and number of residences will change with FEMA review? Staff replied that FEMA may not accept some of the proposed fill with a worst-case scenario being the loss of some of the northern lots, but that is unknown until FEMA review. The FEMA Conditional Letter of Map Revision will be approved prior to the final plat approval. Staff continued that the preliminary development plan showing the proposed lots is approved by the Board of Supervisors as part of the rezoning, but the project must go through substantial engineering for approval of the

subdivision plat. A commissioner stated that there seems to be more uncertainty in this rezoning than is typical. Staff replied that this comes from the hydrological challenges on the rezoning site and the applicant has worked extensively on the hydrology for this site at a much higher level at this stage than is typical.

The applicant presented additional information contained within the site analysis with the proposed plan. He discussed that the comprehensive plan amendments that were heard by the commission August of 2018 and approved by the Board of Supervisors in October, 2018 lay the framework for the appropriateness of the current request. The proposed land use made the intent of the project clear and the appropriateness has been litigated and affirmed. Much of the opposition is the rejection of the proposed residential density. The applicant recounted the last year's work with Flood Control District on the drainage for the site and the analysis that has been completed at this point far in excess of what is generally warranted in the rezoning stage. The complexity of the site's drainage and the neighbors' related concerns required a highly sophisticated hydrologic analysis which is contained within the site analysis. The final drainage solution handles the break-out flow that occurs across the property by taking the majority of the La Cholla Wash flow into the La Cholla Boulevard drainage improvements; the now reduced break out that flows south is captured and drained beneath Overton Road in culverts constructed through this rezoning project improving the current drainage situation. The applicant concluded by saying that working with FEMA can be challenging but they should accept the drainage proposal once the project undergoes final engineering; this risk is customarily accepted by developers and any modifications requested by FEMA will need to be completed as the Flood Control District will not let permit recordation of a final plat without FEMA approval.

The hearing was opened to the public.

Speaker #1 discussed that he submitted documentation with data and photos of the situation in our area relative to the discussion points, we have two concerns, flooding and traffic. Both the project plan and staff report state concern of flooding with high sediment flows. Because of the high sediment flows, the staff report has placed a requirement for a maintenance plan that requires the future home owners association perform seasonal inspections plus inspections after significant storm events. Staff is right to be concerned about the high sediment flows, photos 1-5 shows the piles of sediment that builds up on a regular basis along La Cresta. The material comes down from a small portion of land to the west of the project, this is not coming from the La Cholla Wash. The county is regularly removing truckloads of sand from these areas. Photo #4 shows the culvert under La Cresta that is almost full again after only a few months since it was this was cleaned out. Why is this happening? One reason why is the soil type and the topography in the area. The soil is sandy loam and is easily eroded. The area west of the project rises steeply, the Mountain View cross country team uses this regularly for training events. The second reason is the rain patterns we see in the area Figures 1-4 show the local rain patterns we have seen the last 3 years. The data shows that we see significant deviations from the monthly data from the 30-year averages and we are seeing extreme daily events at a much higher frequency than expected. Notable are two, 30-minute 100-year events of 1.93 inches and 1.54 inches happening within a period of 3 days plus another event of 1.73 inches just a few months later. None of this data includes what we all know is possible, if a tropical storm moves into the area like in 1983. Looking at this information I would be concerned if the flood control design with a 30-year average would provide the level of protection needed, but then to rely upon the home owners association to create a maintenance plan to ensure the performance of those flood control systems is unacceptable to those home owners. Would they have the funding, would they have the time to correct any problems with the potential frequency? That again this is an unacceptable risk to the future home owners. I'll defer my comments on traffic and the report.

Speaker #2 discussed that he is adjacent to the subject property and object to the proposed greatly increased density due to no transition and inappropriate transition zoning and density from the west to the east and also to the north. Lots of onsite natural open space and special species management area along with everything that goes with it. Multiple drainage concerns, high density subdivision in a 100-year flood plain. The base flood elevation or BFE and how these elements impact our property and those upstream neighbors, increased water consumption, accelerated ground subsidence, impact to domestic wells in the area, greatly increased traffic on Overton Road along with increased danger at the intersections of La Cresta Road, Portulaca, and North Majestic Mountain. As many as 350 more potential internet and phone users at about 2.5 persons for household on Century Link system whether the curb services are ready and under capacity and no guarantee that they would do anything to rectify that. The proposed rezoning to CR-5 subsequent development would entirely eliminate our viewshed of the Catalina Mountains, the primary reason we purchased our home. KB Homes and two of their subdivisions in the area were measured at 19 feet at the ridge. The proposed project, one project in the 100-year FEMA floodplain would almost certainly require something like 2-4 foot increase in elevation about natural ground to achieve grade above the BFE including resulting in a single story height of 22 feet. Permitted maximum height is 34 feet which together with 3-feet increase in elevation would result in a total of 37 feet, the westernmost which I'll call it of wall of houses along our eastern property line will effectively obscure entire viewshed, even a setback of 125-130 feet from the applicant's property line to the east, in my letter I include technical views for single story homes and view will be obscured by about 95 percent. The applicant makes statements in the land use proposal that they may limit single story lots to further enhance view protection. I don't see where that would do us a lot of good, it will still take our viewshed and contend that with SR zoning, there would be 10 homes built in the entire area and our viewshed would be minimally effected if at all. Further we contend that any vote affirming rezoning will significantly reduce the value of the home and effectively cede our viewshed to the developer and allowing them to re-package it and sell it as a premium to the easternmost 25 homes that are proposed.

Speaker #3 discussed that he abuts the property to the eastern and northern side. This forum held telephonically is a grossly inadequate venue for the public to address their concerns as most of our concerns are visual which is tough to do when using voice alone because it's been said that a "picture is worth a thousand words", but I have only 3 minutes which is not likely long enough to illustrate the issues with this project. Maybe fair due process is at risk continuing in this standard. I want to formally object to this rezoning proposal as it is currently designed at this time; however I am open to support it if the design drastically changes in the future. I do not believe this project would have been possible or entertained without my tax dollars paying for the N. La Cholla Boulevard project to be completed as mentioned by Mr. Gungle to the north. It has directly enabled and benefited this project to be possibly entertained. Currently I object for the following reasons included in my letter; including loss of equity primarily due to viewshed and density, loss of security and privacy, and safety concerning the flood control issues which were well illustrated by the previous speakers and lastly traffic. At this time I would like to request a continuance on the following basis, that this telephonic forum is insufficient I believe due process for the public to attend and visibly illustrate the issues largely due to flood control at this point and time, it allows time for a FEMA pre-review of the plan and ensures that it will not increase upper stream impact to all residences that abut the project and allows time to conduct a new relevant traffic study. We request that you consider reducing the density and mandate a one-story maximum to all homes in the final approved home project.

Speaker #4 is concerned about the hydrology of the property. All hydrologic models that are done are "best guess" and I am an engineer as well. One of the channels that will be used in our

neighborhood has a gradient on these channels that is insufficient to handle the sand flow with the water and it ends up building up and the circular culverts that are put in, it takes very little vegetation to block them off. We have to modify the culverts in the area to handle the actual flows, and that I know we have to wait for the details of that plan. The 100-year, 24 hour storm is very invalid and should be based upon the monsoon 30-minute storms.

Speaker #5 discussed that the property is a beautiful piece of property and would like to work closely with the county and applicant in the determination of the off-site mitigation lands.

Speaker #6 added that the conservation land systems value of the 50.7-acres parcel. I noticed in staff's report that there were no comments from Fish and Wildlife Service, so I reached out to the ESA consultation office in Albuquerque to initiate a consultation with Pima County to take a hard look at the threatened species of the Sonoran Desert Tortoise. I am particularly concerned about that particular species and think a lot more needs to be done in terms of surveying and looking at the habitat circumstances of this parcel. I included that in my letter to the County and I wanted to let you know that I've reached out to Fish and Wildlife regarding the ESA and hope that they or the County initiate consultation regarding this species.

Speaker #7 discussed the traffic concerns from the letter that was sent. There is a main egress onto La Cresta Road and when you look at the number of proposed homes, a lot of traffic will go in and out on La Cresta Road and as we understand the County does not intend to upgrade La Cresta. It is a two lane road and impossible to get out of La Cresta right now between 7-9 in the morning if you are trying to turn left to get to La Cholla and in the evening it is the same thing when turning right off of Overton Road. There are people that are constantly tailgating, trying to go around on this two- lane road creating unsafe traffic conditions because they don't want to slow down to let you turn and adding all that additional traffic on that road is impossible. In the past, there was an accident that closed down the entire intersection was closed down because they emergency vehicles in because of the narrow road.

A commissioner asked about the issues related to FEMA and if the decision today, if not approved, would prevent the applicant from moving ahead with their submittal to FEMA? Staff replied that FEMA requires final engineering for submittal, so there is some truth that the applicant can't move forward with a submittal to FEMA at this time, but with approval of the rezoning, the project can proceed to FEMA once final engineering takes place.

The applicant agreed with the timing of the FEMA submittal at the subdivision platting stage and understands the risk to the developer. The applicant continued by addressing the Speakers. He stated that the significant sediment flows from the site have been contemplated within the drainage solution. The planned sediment catch basins will require maintenance and will be addressed in the maintenance plan, which is more than generally required by the Flood Control District. The maintenance plan will become part of the subdivision record and become a home owners' association responsibility, similar to the subdivision landscaping and common area maintenance. The association could assess fees and hire professionals to maintain the basins to ensure continued capacity to function as designed. The applicant stated that traffic concerns will be addressed through a single new entrance point onto Overton Road that exceeds the separation distance criteria of ASHTO and Department of Transportation. No additional traffic will be diverted onto La Cresta and the required separation in between Portulaca, Mountain Majestic, and La Cresta driveways will be exceeded. Also, a traffic analysis will be completed at the subdivision platting stage to identify required traffic improvements, ensure that all intersections are functioning safely and that adequate road capacity exists. All improvements and costs necessary will be paid for and installed by the developer. The County perimeters for proper off-

site mitigation lands is sufficient, but the developer will work with the Fish and Wildlife Service in Albuquerque if they engage Pima County. There are voluminous regulations that cover the concerns that have been addressed here or will be addressed during the subdivision platting process.

The public hearing was closed.

A commissioner commented that the Flood Control and Transportation issues will be further examined in additional studies going forward, and the only additional neighborhood objection was related to viewsheds. The commissioner asked if this is legitimate criterion for approving or denying a vote. Staff replied that the commission can entertain those comments, as viewsheds are mentioned in the code, but the property owner also has a right to develop property. A property owner could purchase an adjoining property to preserve a viewshed and prevent a property from being developed.

A commissioner commented that the Planning and Zoning Commission does not make decisions based solely on viewsheds, but on the quality of life and what is best for the community, not just zoning.

Five commissioners commented that they support the request because more analysis will be completed, and although there is much uncertainty, the applicant cannot move forward with FEMA until the rezoning is approved.

A commissioner expressed concern for the neighbors who will not benefit from the off-site mitigation lands.

Commissioner Hook made a motion to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**, Commissioner Becker gave second.

The commission voted to recommend **APPROVAL** of the rezoning (9 - 1, Commissioner Gungl voted NAY) with the following conditions:

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the subdivision platting process. The Traffic Impact Study shall use projected traffic counts identified in the adjacent capital improvement project OV-30-04/05-26. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - B. Written proof of coordination with the Town of Oro Valley regarding any improvements identified by the Traffic Impact Study in conjunction with the Town of Oro Valley Capital Improvement Project for La Cholla Boulevard shall be provided to Pima County.
3. Regional Flood Control District conditions:
 - A. FEMA approval of the Conditional Letter of Map Revision is required prior to recording of the Final Plat.
 - B. At the time of development, the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that

time sufficient to obtain 15 points.

- C. First flush retention shall be distributed throughout the subdivision and be placed in Common Areas.
 - D. The maintenance plan shall require inspection and maintenance of drainage infrastructure after both the winter and summer storm seasons and after significant storm events.
4. Regional Wastewater Reclamation conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) Conservation Guidelines by providing a total of 140 acres as Natural Open Space (NOS). Should the disturbed area be reduced from that which is reflected in the Preliminary Development Plan (PDP), the property owner shall provide a minimum of four (4) acres of natural open space for every acre disturbed in order to achieve full compliance with the CLS Conservation Guidelines. No less than 14.2 acres of NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved PDP. The difference between the total NOS to be provided and the NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policy of Pima Prosper, Pima County's 2015 Comprehensive Land Use Plan (Section 3.4, Policy 11), and also must comply with the following:

- 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- 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 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.

Invasive Non-Native Plant Species Subject to Control

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

6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
7. Adherence to the preliminary development plan as approved at public hearing.
8. 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

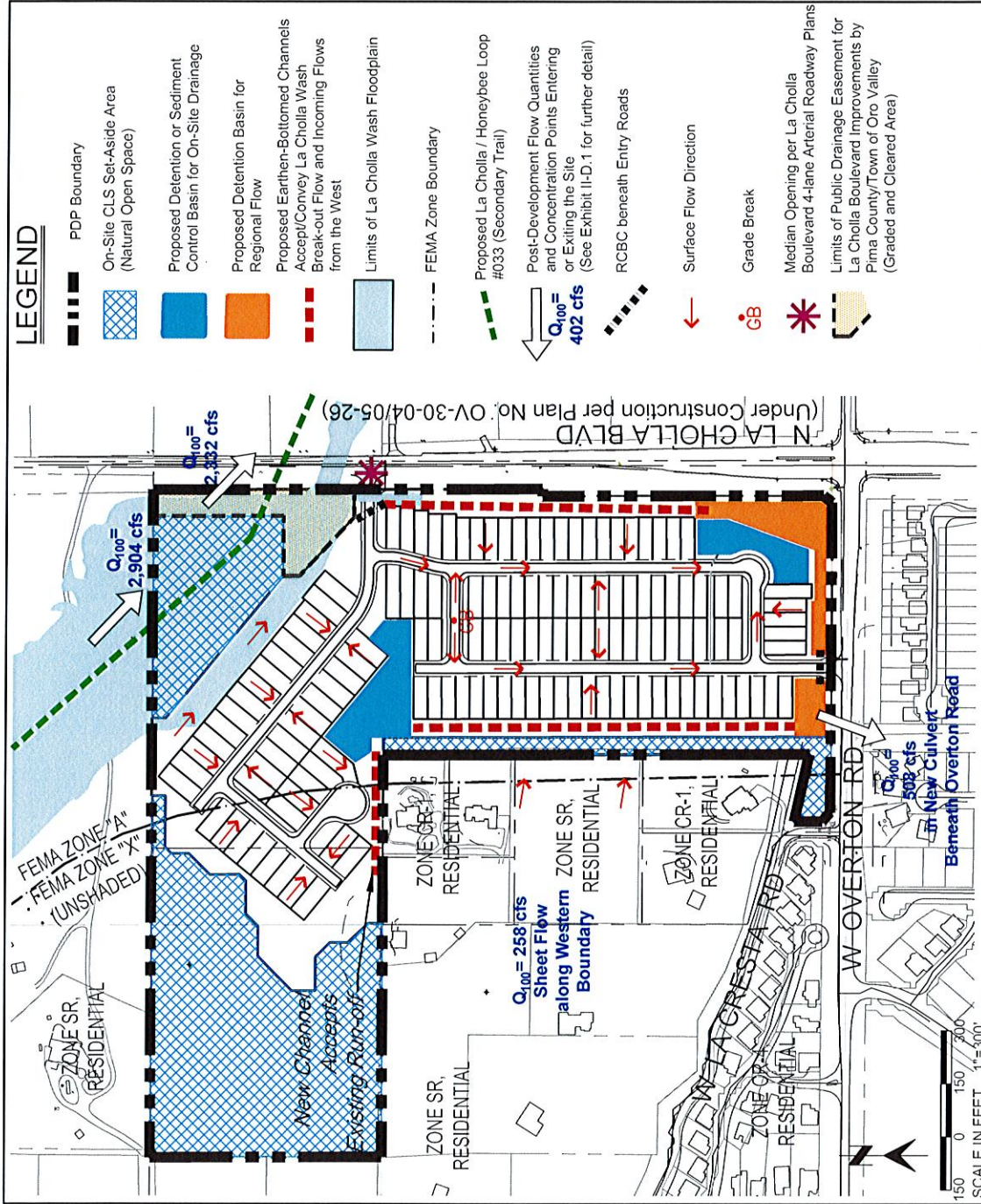
require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

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

TD/TT

Attachments

cc: Harbour Trust 1/3, et al., PO Box 35604, Tucson, AZ 85740-5604
Projects International, Inc., Attn: Jim Portner, 10836 E. Armada Lane, Tucson, AZ 85749
Tom Drzazgowski, Chief Zoning Inspector
P19RZ00012 File



LEGEND

- PDP Boundary
- On-Site CLS Set-Aside Area (Natural Open Space)
- Proposed Detention or Sediment Control Basin for On-Site Drainage
- Proposed Detention Basin for Regional Flow
- Proposed Earthen-Bottomed Channels Accept/Convey La Cholla Wash Break-out Flow and Incoming Flows from the West
- Limits of La Cholla Wash Floodplain
- FEMA Zone Boundary
- Proposed La Cholla / Honeybee Loop #033 (Secondary Trail)
- Post-Development Flow Quantities and Concentration Points Entering or Exiting the Site (See Exhibit II-D.1 for further detail)
- RCBC beneath Entry Roads
- Surface Flow Direction
- Grade Break
- Median Opening per La Cholla Boulevard 4-lane Arterial Roadway Plans
- Limits of Public Drainage Easement for La Cholla Boulevard Improvements by Pima County/Town of Oro Valley (Graded and Cleared Area)

PROJECT AREA
Overall Rezoning Site Area: 50.70 AC
Site Area After R.O.W. Deductions: 50.70 AC

PROJECT PARTICULARS

Existing Zoning: SR
Comprehensive Plan Designations: MLIU & LIU-1.2
Proposed Zoning: CR-5

PROPOSED USE

A single-family detached residential subdivision containing approximately one hundred thirty-nine (139) lots, together with related drainage and detention facilities, perimeter buffers, etc.

BUILDING HEIGHT

Maximum residential height is thirty-four (34') per the Pima County Zoning Code. Project will contain both 1-story and 2-story residences per market needs.

PARKING & LOADING

Parking and loading will be in accordance with Section 18.75 (Parking & Loading Standards). Final design and compliance with same will be demonstrated at the time of future site residential subdivision plat review.

RESIDENTIAL SUBDIVISION PUBLIC STREETS

Proposed Right-of-Way Width: 45'
Travel Lanes: Minimum Two (2) 12' Lanes
Curbing: 2' Wedge Curbs on both sides
Sidewalks: 5' Sidewalks on both sides
On-Street Parking: Allowed both sides

PERIMETER LANDSCAPE BUFFERS

Perimeter landscape buffers are provided to protect adjacent lower-density residences and vacant property located to the west of the rezoning site. These perimeter buffers will be a combination of natural desert and graded/re-landscaped areas using salvaged and transplanted specimens from the property. Final details of same will be provided in the required NPPO plan at the time of future subdivision platting.

CONSERVATION LANDS SYSTEM (CLS) PARTICULARS

For CLS purposes, the Project Area is 49.2 AC (this figure excludes the Public Drainage Easement).
Total Natural Open Space provided on-site: Minimum 14.2 AC

PROJECTS INTERNATIONAL, Inc.
STRATEGIC GUIDANCE
ENTIREMENT PROCESSES
LOCAL ADVICE & COUNSEL

GRS
LANDSCAPE ARCHITECTS, LLC

Presidio
ENGINEERING, INC.

La Cholla Boulevard Rezoning

NWC OVERTON ROAD at LA CHOLLA BOULEVARD
(Ownership: NW Bible Church, Quest Land Group, Harbour Trust et al.)
REZONING: SR to CR-5

EXHIBIT II-B
PRELIMINARY DEVELOPMENT PLAN
PAGE 40

Case #: P19RZ00012

Case Name: HARBOUR TRUST 1/3, ET AL - N. LA CHOLLA BOULEVARD REZONING

Tax Code(s): 225-04-002A, 225-04-002C, 225-04-003P & 225-04-008B



0 285 570 1,140 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



Notes:



Map Scale: 1:8,000

Map Date: 2/28/2020 - ds

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

HEARING March 25, 2020

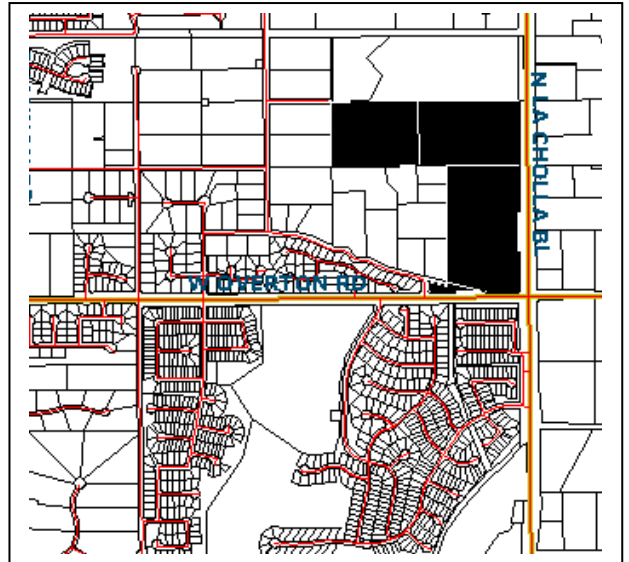
DISTRICT 1

CASE P19RZ00012 Harbour Trust 1/3, et al. – N. La Cholla Boulevard Rezoning

REQUEST Rezone from SR (Suburban Ranch) to CR-5 (Multiple Residence) Zone (50.7 acres)

OWNER Harbour Trust 1/3, et al.
PO Box 35604
Tucson, AZ 85740-5604

APPLICANT Projects International, Inc.
Attn: Jim Portner
10836 E. Armada Lane
Tucson, AZ 85749-9460



APPLICANT'S PROPOSED USE

The 50.7 acre site will be developed as a 139-lot, single-family residential subdivision with approximately 28% natural open space.

APPLICANT'S STATED REASON

"The property sits on the northern edge of an established, urbanized residential district and would constitute an expansion of this existing residential density."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CR-5 (Multiple Residence) zone on 50.7-acres for a 139-lot residential subdivision with approximately 14.2 acres of on-site natural open space and future off-site natural open space to meet the policies of the Maeveen Marie Behan Conservation Lands System. The La Cholla/Honeybee Trail #033 will be developed within the on-site natural open space in the northeastern corner of the site connecting the subdivision to the trail through the La Cholla Wash. When the La Cholla/Honeybee Trail is completed through the properties to the east, it will ultimately connect to the Cañada del Oro River Park segment of the Chuck Huckelberry Loop.

PUBLIC COMMENT

Staff has not received any written comments as of March 12, 2020.

COMPREHENSIVE PLAN

There are two comprehensive plan designations and amendments for the site, both approved by the Board of Supervisors in October of 2018. The plan amendment (P18CA00003) for the two southernmost parcels from Low Intensity Urban 0.3 (LIU 0.3) to Medium Low Intensity Urban (MLIU) without rezoning policies is located at the northwest corner of Overton Road and La Cholla Boulevard. The objective of the MLIU is to provide a mix of medium density single-family and

lower density attached dwelling units with a minimum of 2.5 residences per acre (RAC) and a maximum of 5 RAC. The two southernmost parcels comprise approximately 22.5 acres of the rezoning site and will contain 97 lots. The project conforms to the MLIU land use designation with a proposed 4.3 RAC.

The second plan amendment (P18CA00004) for the two northernmost parcels was from Low Intensity Urban 0.3 (LIU 0.3) to Low Intensity Urban 1.2 (LIU 1.2) with no rezoning policies. The objective of the LIU 1.2 land use designation is to designate areas for low density residential uses and other compatible uses and to provide incentives for residential conservation subdivision to provide more natural open space. Density bonuses are provided in exchange for larger amounts of open space. There is no minimum RAC and the maximum RAC is 1.2 without a density bonus. These two parcels comprise the remaining 28.2 acres of the rezoning site and will contain 42 lots. The density allowed under the LIU 1.2 plan designation utilizing the density bonus with a minimum of 45% open space is a maximum RAC of 2.5. The proposed 1.4 RAC conforms to the LIU 1.2 plan designation with 14.2 acres of natural open space.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR	Undeveloped Residential/Developed Residential
South:	SR/CR-1/CR-5	Undeveloped and Developed Residential/Developed Residential Subdivision
East:	SR	Undeveloped and Developed Residential
West:	SR/CR-1/CR-4	Undeveloped and Developed Residential/Developed Residential Subdivision

The surrounding area contains mostly low density residential development resultant from survey lot splitting creating pockets of rural development that lacked adequate infrastructure. Recent roadway improvements, access to water and sewer create that ability to intensify densification. The property is located in a relatively rapidly growing area in the northwest due to the roadway improvements to La Cholla Boulevard. To the south of the subject site, across Overton Road, exists high density residential subdivisions developed beginning in 2000 through 2003. Schools are located more than a mile away. The nearest services are approximately two miles south of the subject site along the La Cholla Boulevard thoroughfare spanning from Ina Road to Magee Road with professional services, childcare, banking, retail, restaurants, groceries and shopping. Recreational opportunities exist within the Cañada Del Oro River Park segment of the Chuck Huckelberry Loop approximately one-quarter mile to the east. Arthur Pack Regional Park on the southwest corner of Hardy Road and Thornydale Road lies approximately two miles west of the subject site. The park contains a golf course, ball fields, batting cages, basketball courts, playground, soccer fields, and hiking trails within the Maeveen Behan Desert Sanctuary. The Tucson Audubon Society Mason Center just south of Arthur Pack Park offers bird watching and other educational programs.

PREVIOUS REZONING CASES ON PROPERTY

There was one previous rezoning requests for the subject site (P18RZ00011) in 2018. The rezoning case was withdrawn due to Flood Control issues.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

- P19RZ00009 – N. Camino del Fierro for SR to SR-2 (Suburban Ranch Estate) (4367 acres) located approximately one mile northwest of the subject site. The rezoning was approved December 17, 2019 for a lot split creating two parcels.

- P17RZ00006 – W. Sumter Road for SR to CR-4 (Mixed-Dwelling Type) (77.95 acres) located approximately three-fourths of a mile northwest of the subject site. The rezoning was approved January 2, 2017 for a 200-lot single family residential infill development with both on-site and off-site open space conservation.
- P17RZ00003 – N. Shannon Road for SR to CR-1 (Single Residence) zone located approximately three-fourths of a mile southwest of the subject site. The 4.94-acres rezoning was approved August 21, 2017 for a 5-lot single family residential infill development.
- P16RZ00012 – N. Shannon Road for SR to CR-2(CL) (Single Residence – Cluster) located at the southwest and southeast corners of W. Linda Vista Boulevard and N. Shannon Road approximately three-fourths of a mile west of the subject property. The 78.6-acres rezoning was approved November 7, 2017 for a 94-lot single family residential infill development with both on-site and off-site open space conservation.

Past activity:

About half of the properties in the vicinity of the site have been rezoned from original SR zoning to CR-1 and higher density CR-4 and CR-5. Most CR-1 rezoned properties did not create subdivision plats, but were divided through land survey lot splitting. The CR-4 and CR-5 rezonings resulted in single-family subdivision lot development.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS)

The subject site is located within the Maeveen Marie Behan Conservation Lands System (CLS) classified as Multiple Use Management Area, and Special Species Management Area. The policies of the comprehensive plan address the CLS conservation guidelines and allow both on-site and off-site natural open space set asides to meet the policies. The natural open space provided on-site totals approximately 14.2 acres or 28% of the site. The proposed off-site mitigation of dedicated natural open space will make up the remaining required difference. The off-site mitigation will be implemented prior to or during the subdivision platting process when the off-site set aside location has been formally negotiated and approved.

PLANNING REPORT

Staff supports the request because concurrency of infrastructure exists (or is currently under construction) to support the use. Smart growth principles have been employed by the efficient use of existing infrastructure and the preservation of open space fostering an attractive community design to compliment the Sonoran Desert landscape.

The property slopes from the highest elevation on the north to the south and contains some areas of Hillside Development Zone (HDZ) which is defined as any slope longer than 50-feet with a 15% or greater slope. The HDZ areas of the site are located on the northwest corner and will be preserved as natural open space. The property is mostly undisturbed and is traversed by the La Cholla Wash in the northeast corner of the site, designated as a Xeroriparian "C" Area which will be avoided. The property contains dense populations of saguaros and ironwood trees and will comply with the native plant preservation ordinance at the time of subdivision platting. Much of the salvaged vegetation from on-site will be incorporated into the proposed natural bufferyards as enhancement and utilized within the streetscapes, bufferyards and disturbed areas of the subdivision. Extensive natural open space will buffer the proposed northwestern portion of the subdivision from its adjacent neighbors. A 50-foot natural enhanced bufferyard is proposed along the western boundary of the property and a minimum 10-foot bufferyard will be installed adjacent to Overton Road and La Cholla Boulevard. There are four detention basins planned for the site that will be revegetated with salvaged on-site vegetation where practical.

The proposed lots will contain approximately 4,800 to 6,000 square feet and are planned for both one and two story dwelling units with a maximum height of 34 feet. The site will be accessed

from one driveway connecting to Overton Road and one driveway connecting to La Cholla Boulevard.

Concurrency of Infrastructure:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection, subject to conditions
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Metro Water “will serve” letter in site analysis.
SCHOOLS	Yes	Capacity response letter from Amphitheatre SD in the site analysis.

TRANSPORTATION REPORT

The proposed rezoning site is located immediately northwest of the intersection of La Cholla Boulevard and Overton Road. North of Overton Road, La Cholla Boulevard is within unincorporated Pima County and the Town of Oro Valley jurisdiction.

La Cholla Boulevard is being improved in two phases. Phase I improvements from Magee Road to Overton Road were completed in 2014. Phase II improvements are currently underway from Overton Road to Tangerine Road. The project improvements, managed by the Town of Oro Valley, include widening La Cholla Boulevard to four lanes with paved shoulders, raised medians, and a multiuse path along the west side of the road. The current posted speed limit is 45 miles per hour (mph) with an existing right-of-way width that varies adjacent to the site from 165 to 175 feet. The Pima County Major Streets Plan designates La Cholla Boulevard as Medium Volume Arterial with a planned 150 foot right-of-way.

Overton Road is a paved two-lane roadway east of La Cholla Boulevard and a paved two-lane roadway with a double left-turn lane west of La Cholla Boulevard. The posted speed limit is 40 mph with an existing right-of-way of 120 feet adjacent to the site. The Pima County Major Street Plan designates Overton Road as Low Volume Arterial with a planned 90 foot right-of-way.

A residential subdivision with 139 lots is the proposed use for the site. The site is expected to generate 1,390 average daily trips (ADT). The most recent traffic counts for La Cholla Boulevard north of Overton Road is 9,475 ADT with an expected capacity of 35,820 ADT once the road widening improvements are completed. The most recent traffic counts for Overton Road west of La Cholla Boulevard is 7,361 ADT with an approximate capacity of 15,045 ADT.

It appears that the peak hour trips for this development will exceed 100 gross trips during either the morning or afternoon peak hour and therefore a full traffic impact study (TIS) will be required during the subdivision platting process. The type of traffic study category to be performed will be based upon the requirements set forth in the 2016 Pima County Subdivision and Development Street Standards (SDSS). This traffic study will identify if any offsite improvements shall be constructed for this development. This traffic impact study shall use projected traffic counts identified in the adjacent capital improvement project OV-30-04/05-26. Based off preliminary analysis utilizing the existing counts for La Cholla Boulevard contained within the site analysis, it appears a southbound right turn lane would be required. The street entrance off of La Cholla Boulevard is adjacent to a culvert crossing and a channel that is parallel to the road. If a right turn lane is warranted this improvement could affect the construction of those improvements and it shall be coordinated with Pima County Department of Transportation and the Town of Oro Valley to prevent any throw away improvements being installed under OV-30-04/05-26. Any improvements identified by the TIS should be completed prior to the newly constructed capital improvement project being placed under a moratorium.

There are no concurrency concerns with this rezoning given that roadways functioning under capacity and current roadway improvements.

The Department of Transportation has no objection to this request subject to the addition of rezoning conditions #2A-B.

FLOOD CONTROL REPORT

Regional Flood Control District staff have reviewed the submittal including the requested additional hydrological analysis, visited the site, and participated in numerous meetings with the applicant's representatives to address the District's concerns. The following comments are provided:

Much of the site is impacted by Federal Emergency Management Agency approximate Zone A Special Flood Hazard Area, associated with the La Cholla Wash. The watercourse in this location is distributary in nature and contains high sediment loads during large floods. As such, additional hydrology was required to address the District's initial concerns. These included concerns that FEMA may consider this portion of the watercourse an alluvial fan. FEMA has different standards for new development on alluvial fans. Per Federal Code § 44 CFR 65.13(b) map revisions based on fill shall not apply to FIRM revisions involving alluvial fan flooding. The PDP shows that the site will be removed from the floodplain by fill and overflow culverts to direct flows under La Cholla Boulevard.

While the District believes that the fill is an appropriate means to remove portions of this site from the floodplain, there is a risk that FEMA may not. The means to confirm FEMA's concurrence is via a Conditional Letter of Map Revision (CLOMR) for the proposed improvements. For this reason, a rezoning condition requiring that a CLOMR be approved by FEMA before the recording of the final plat is recommended.

1. The District requests that the FEMA map be included in the final Site Analysis. (see attached)
2. The site does not contain regulated riparian habitat.
3. As required, staff has conducted the Water Resources Impact Analysis (WRIA), including providing demand projections as follows:
 - a. The site is within the Metro Main Water service area wherein they provide Renewable and Potable Water.
 - b. The site is within the Tucson Active Management Area modeled by the Safe Yield Task Force wherein declines are expected between 2010 and 2025 resulting in depths over 350'.

- c. The site is not located within a covered subsidence zone.
- d. The site is not within a mile of a shallow groundwater area.
- e. The site is not within an Isolated Basin, and the depth to bedrock ranges from 1600 to 3200 feet.
- f. The proposed demand is lower than build out under existing zoning despite the increase in yield from 13 to 139 lots due to the 15% turf assumption associated with SR lots.

The District has no objection subject to recommended conditions #3A-D.

WASTEWATER RECLAMATION REPORT

The rezoning area is within the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area and is tributary to the Tres Rios Water Reclamation Facility via the Cañada de Oro Interceptor. Capacity for the proposed development is currently available within the 8" public sewer G-84-084, downstream from manhole 4215-03 (Type I 2019-276, dated November 18, 2019).

The PCRWRD has no objection to the request subject to the addition of rezoning conditions #4A-F.

ENVIRONMENTAL PLANNING REPORT

Site Conservation Values

- The approximately 50.7 acre subject site lies entirely within the Multi-Use Management Area designation of the Maeveen Marie Beehan Conservation Lands System (CLS). The entire site is designated as a Special Species Management Area (SSMA).
- The subject property lies within the Priority Conservation Area (PCA) for the cactus ferruginous pygmy owl (CFPO). No CFPOs have been detected in northwest Tucson since 2006 when the last known individual was captured and placed in a captive breeding program.
- The subject property lies outside the PCAs for the western burrowing owl, Pima pineapple cactus, and needle-spined pineapple cactus.
- There are 249 saguaros onsite, 59 are six feet or less, and 190 are taller than six feet; there are 583 Ironwood trees onsite.
- The La Cholla Wash runs across the site's northeast corner and down its eastern border. This resource has both on- and off-site importance as a part of a larger wash system that contributes to landscape permeability in the immediate area. Disturbances to riparian resources are regulated by the Regional Flood Control District according to the Watercourse and Riparian Protection and Mitigation Requirements of Pima County Code Title 16.
- The subject property was identified for acquisition as "Secondary Priority Private" under the 2004 Open Space Bond Program.

Landscape Context

The subject property does not occur within any CLS Critical Landscape Connection. The property is approx. ¼ mi west of the Cañada Del Oro Wash, and the site's northeast corner falls within the Tortolita Fan to Cañada Del Oro Wildlife Movement Area identified by the Arizona Game and Fish Department (2013). The site is approximately one fourth of a mile west of a preserve owned by the Pima County Regional Flood Control District and comprised of multiple parcels within the Cañada Del Oro Wash system.

Landscape connectivity in this area is primarily facilitated by the Cañada Del Oro Wash system, including La Cholla Wash which occurs on-site and contributes to the identified Wildlife Movement Area. Per the preliminary development plan (PDP), the applicant plans to set aside the site's northeast corner as natural open space (NOS), which will help to maintain the site's contribution to landscape permeability.

Potential Impact to Biological Resources and CLS:

While the gross area of the subject property is 50.7 acres, the net project area for CLS purposes is 49.2 acres, which excludes the 1.5 acre drainage easement to be graded by Pima County and the Town of Oro Valley as part of the La Cholla Boulevard roadway project. According to the PDP, approximately 35 acres of the project area will be disturbed. In keeping with the applicant's stated intent to fully comply with the CLS Conservation Guidelines ratio of four (4) acres of conservation for every acre of development within the SSMA designation, a total of 140 acres of NOS will be provided, in a combination of on-site and off-site areas. The PDP proposes on-site NOS of approximately 14.2 acres, leaving the balance of 125.8 acres to be provided off-site.

It is anticipated that 150 of the 249 saguaros onsite will be preserved in place (60%), including 27 of the 59 saguaros that measure six feet or less, and 123 of the 190 saguaros that measure over six feet. Approximately 251 of the 583 ironwoods onsite will be preserved in place (43%). Impacts to native vegetation and specifically saguaros and ironwoods will be addressed when the proposed development is subject to the Native Plant Preservation Ordinance (Pima County Code 18.72).

Given the site's on-site resources, landscape context, and the applicant's stated intent to fully comply with the CLS Conservation Guidelines with both on-site and off-site NOS, this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS

Environmental Planning has no objection to the rezoning subject to the addition of conditions #5A-B.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of conditions #6.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service has no comment.

METRO WATER DISTRICT REPORT

Metro Water District has no comment. A will-serve letter is contained within the site analysis.

SCHOOL DISTRICT REPORT

The Amphitheatre Unified School District has no comment. A letter of capacity to accommodate future students for the proposed development contained in the site analysis.

FIRE DISTRICT REPORT

Golder Ranch Fire District has no comment.

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

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:

- A. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the subdivision platting process. The Traffic Impact Study shall use projected traffic counts identified in the adjacent capital improvement project OV-30-04/05-26. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - B. Written proof of coordination with the Town of Oro Valley regarding any improvements identified by the Traffic Impact Study in conjunction with the Town of Oro Valley Capital Improvement Project for La Cholla Boulevard shall be provided to Pima County.
- 3. Regional Flood Control District conditions:
 - A. FEMA approval of the Conditional Letter of Map Revision is required prior to recording of the Final Plat.
 - B. At the time of development, the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
 - C. First flush retention shall be distributed throughout the subdivision and be placed in Common Areas.
 - D. The maintenance plan shall require inspection and maintenance of drainage infrastructure after both the winter and summer storm seasons and after significant storm events.
- 4. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. Environmental Planning conditions:

- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) Conservation Guidelines by providing a total of 140 acres as Natural Open Space (NOS). Should the disturbed area be reduced from that which is reflected in the Preliminary Development Plan (PDP), the property owner shall provide a minimum of four (4) acres of natural open space for every acre disturbed in order to achieve full compliance with the CLS Conservation Guidelines. No less than 14.2 acres of NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved PDP. The difference between the total NOS to be provided and the NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policy of Pima Prosper, Pima County's 2015 Comprehensive Land Use Plan (Section 3.4, Policy 11), and also must comply with the following:
- 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- 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 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.

Invasive Non-Native Plant Species Subject to Control

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

6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during

excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

7. Adherence to the preliminary development plan as approved at public hearing.
8. 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.
9. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Respectfully Submitted,



Terrill L. Tillman, AICP
Principal Planner

c: Projects International, Inc., Jim Portner, 10836 E. Armada Lane, Tucson, AZ 85749-9460

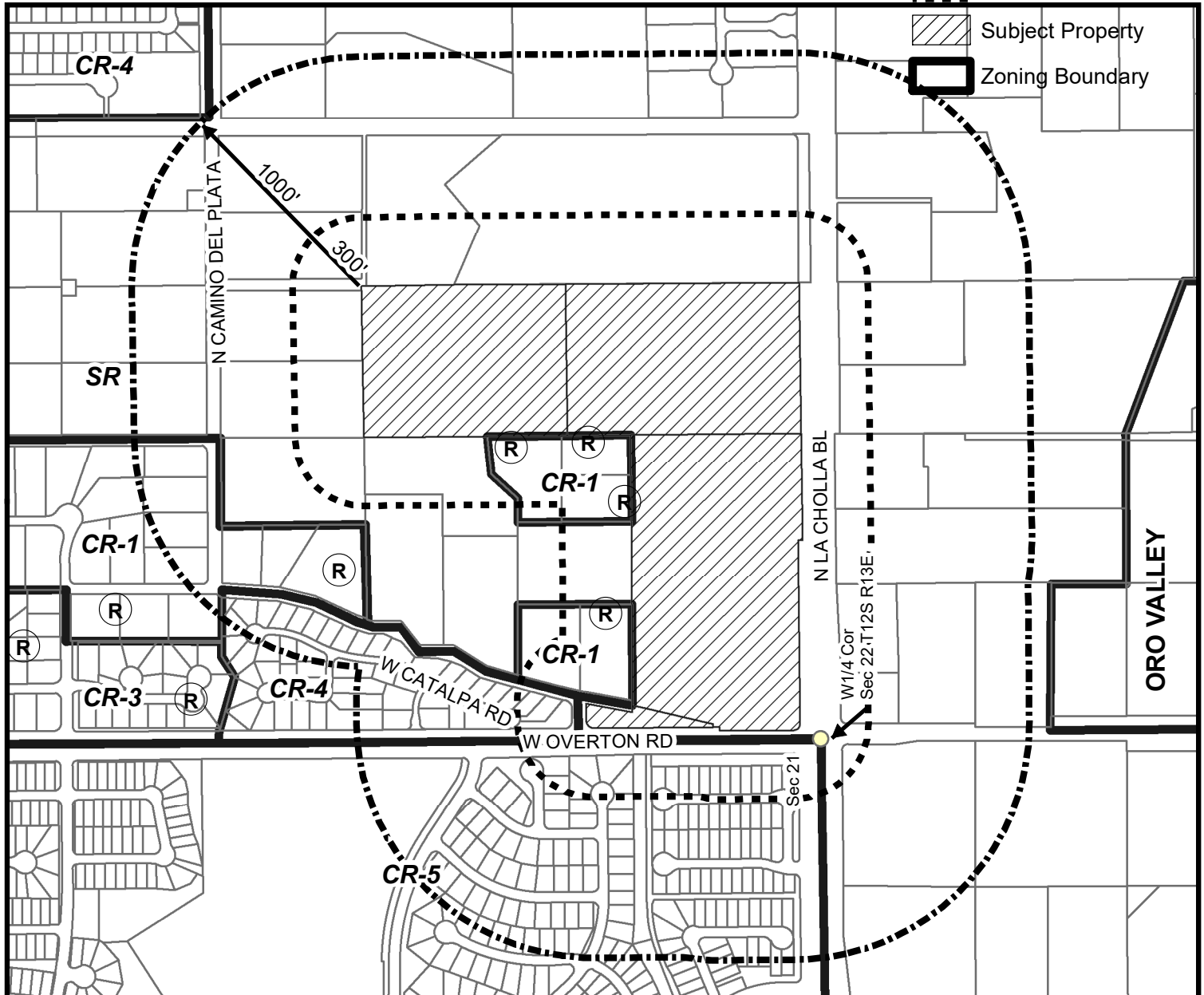
Case #: P19RZ00012

Case Name: HARBOUR TRUST 1/3, ET AL - N. LA CHOLLA BOULEVARD REZONING

Tax Code(s): 225-04-002A, 225-04-002C, 225-04-003P & 225-04-008B

1000' Notification Area
300' Notification area

Subject Property
Zoning Boundary



0 285 570 1,140 Feet

Area of proposed rezoning from SR to CR-5



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN P19CA00003/P19CA00004/CO7-13-10

Planning & Zoning Hearing: 3/25/20 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 162

Map Scale: 1:8,000

Map Date: 2/27/2020 - ds



Medium Low Intensity Urban (MLIU)

Objective: To designate areas for a mix of medium density single-family and lower density attached dwelling units; to provide opportunities for a mix of housing types throughout the region.

- Residential Gross Density: Minimum- 2.5 RAC; Maximum- 5 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 2.5 RAC; Maximum- 4 RAC

Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

Objective: To designate areas for low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and be contiguous with other dedicated natural open space and public preserves.

Low Intensity Urban 1.2 (LIU-1.2)

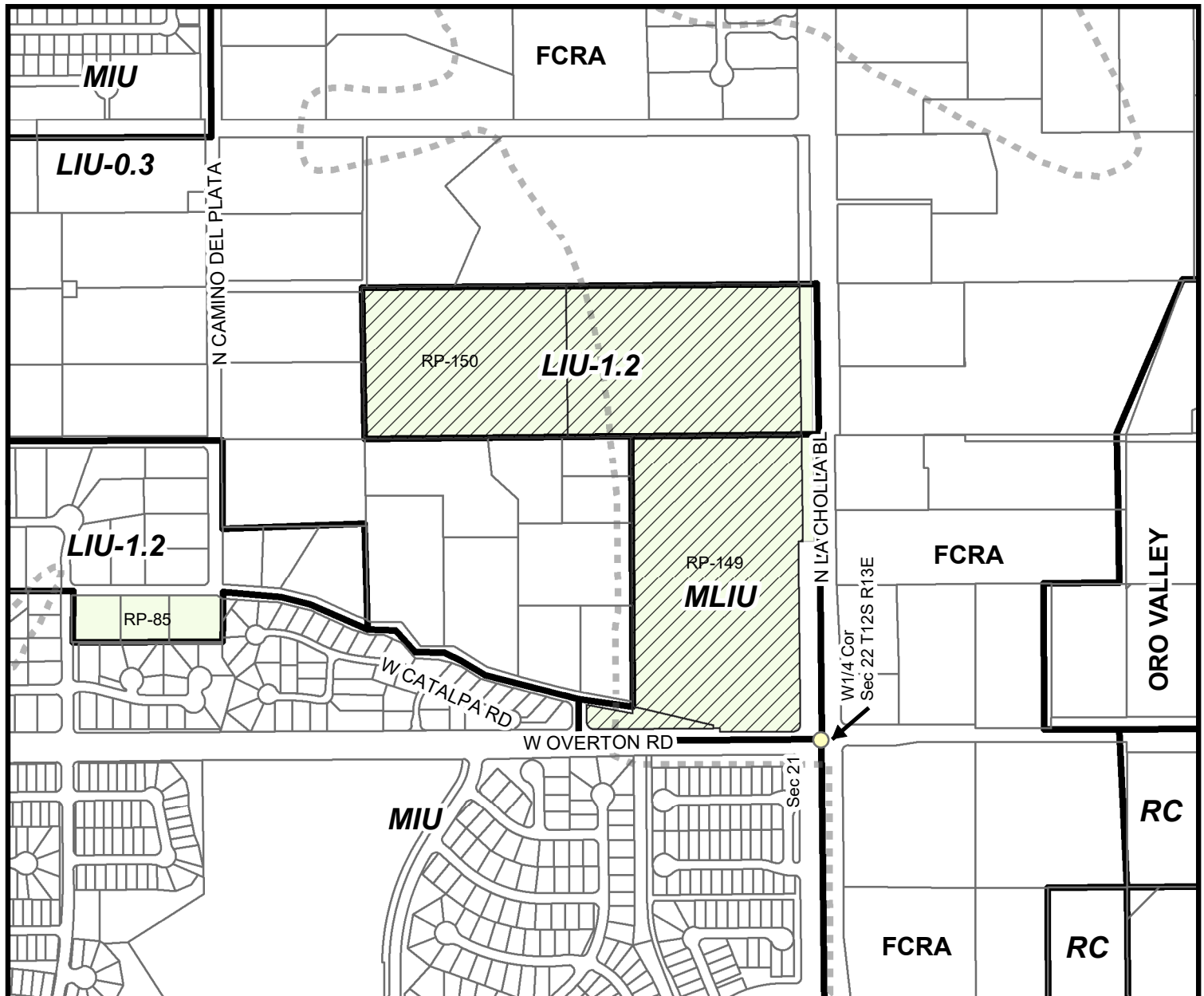
- Residential Gross Density: Minimum- none; Maximum- 1.2 RAC; 2.5 RAC with 45 percent open space; or 4 RAC with 60 percent open space
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 1.2 RAC; 2 RAC with 50 percent open space

Case #: P19RZ00012

Case Name: HARBOUR TRUST 1/3, ET AL - N. LA CHOLLA BOULEVARD REZONING

Tax Code(s): 225-04-002A, 225-04-002C, 225-04-003P & 225-04-008B

EXHIBIT FOR COMPREHENSIVE PLAN DESIGNATIONS



0 285 570 1,140 Feet

Subject Site



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes: FCRA = Flood Control Resource Areas, Rezoning Policies # 149 & 150

PIMA COUNTY COMPREHENSIVE PLAN P19CA00003/P19CA00004/CO7-13-10

Map Scale: 1:8,000

Map Date: 3/4/2020 - ds





PROJECTS INTERNATIONAL, Inc.

STRATEGIC GUIDANCE
ENTHUSIASTIC PROCESSING
LOCAL ADVICE & COUNSEL

10826 N. Arroyo Lane
Tucson, Arizona 85749-9460
520-850-0917
portner@projectsintl.com
www.projectsintl.com

FROM: Jim Portner, Projects International, Inc.
DATE: February 27, 2020
RE: **Invitation to Attend a Neighborhood Meeting Regarding a Proposed Rezoning
51 Acres at the Northwest Corner of La Cholla Boulevard @ Overton Road
Pima County Rezoning Case No. P19RZ00012**

I'm sending you this information because you own property, or are a representative of a nearby homeowners association, within 1000' of a request we have filed with Pima County to rezone fifty-one (51) acres of vacant land at the northwest corner of La Cholla Boulevard at Overton Road.

I am the project manager for the rezoning effort, which is a request for CR-5 zoning to build a new residential subdivision of single-family detached homes, together with an area of permanent natural open space.

As many of you are aware, this same property was part of a past rezoning case in 2019. We ultimately withdrew that case when the Pima County Flood Control District (RFCDD) requested additional engineering and design detail for the project's proposed drainage solution. It has taken us many months to complete this additional work which, for all intents and purposes, now encompasses a level of analysis and engineering that is far beyond that which normally accompanies a rezoning. We will be significantly improving the downstream situation and reducing flow across Overton Road.

The subdivision design has been modified in its northern end so as to better accommodate incoming drainage and accord with the prevailing topography. Also, the project now contains 139 lots instead of the former 125 due to a different lot product being used in the southern portion. The resulting density still falls well within that prescribed by the Board of Supervisors when they approved the site's amendment to the comprehensive plan in 2018.

I would like to invite you to a neighborhood meeting that we've schedule to provide a forum for your comments and for answering your questions on this rezoning. The meeting will take place as follows:

**Thursday, March 12, 2020
6:15 PM to 7:45 PM
Grace Community Church – Meeting Room #6 (we'll post signs to guide you to the room)
9755 N. La Cholla Boulevard (approximately ¾ mile north of Overton Road)
Tucson, AZ 85742**

Enclosed you will find a *Fact Sheet* and the proposed *Preliminary Development Plan (PDP)* that forms the basis of our rezoning application. In addition, and due to the great interest in drainage on this particular project, we have also provided a conceptual hydrology schematic which details many of the project's drainage particulars.

Please be advised that, in addition to our above neighborhood meeting, a public hearing on this item will occur before the Pima County Planning & Zoning Commission on March 25, 2020. After that, a second public hearing will be scheduled before the Board of Supervisors, who will make the ultimate decision on this rezoning application. You will receive separate notices directly from Pima County on both of these public hearings.

I encourage you to attend the above neighborhood meeting. If you cannot, please feel to call my personal cell phone (520.850.0917) with any questions you might have, or email me at: jportner@projectsintl.com.

Note: This mailing has been sent to a list of surrounding property owners that was generated using Pima County property-ownership information within its geographic information system (GIS) and on file with the Pima County Assessor's Office. I apologize if the name or address information on your envelope is incorrect in any way.