



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 17, 2020

Title: Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING

Introduction/Background:

The applicant requests closure of a 7.5-acre portion of the 15.0-acre rezoning from GR-1 (Rural Residential) to CR-3 (Single Residence) (Cluster Development Option). The remaining 7.5 acres rezoned from GR-1 to CR-4 (GZ) (Mixed-Dwelling Type - Gateway Overlay) zone will remain conditionally rezoned.

Discussion:

The rezoning site was approved for condominium units on April 17, 2012; a five-year time extension was granted in 2017 and the rezoning will expire on April 17, 2022. The site remains undeveloped, is outside of the MMBCLS, and no progress has been made to satisfy the rezoning conditions. Closure will cause the CR-3 portion of the rezoning to revert to GR-1 zoning, which complies with the Low Intensity Urban 3.0 plan designation.

Conclusion:

The owner requests closure of the northern 7.5-acre portion of the rezoning to sell the parcel as GR-1.

Recommendation:

Staff recommends APPROVAL of closure of the subject 7.5-acre portion of rezoning to revert zoning to GR-1.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

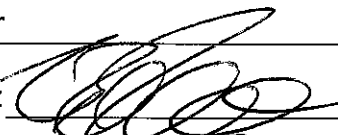
Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Donna Spicola, Planner

Telephone: 520-724-9513

Department Director Signature/Date:

 7/22/2020

Deputy County Administrator Signature/Date:

 7/24/2020

County Administrator Signature/Date:

 7/24/20



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: July 17, 2020

SUBJECT: Co9-07-24 ARBOR LLC – TWIN LAKES DRIVE REZONING

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' **MONDAY, AUGUST 17, 2020** hearing.

REQUEST: Proposal to close a 7.5-acre portion of the 15-acre rezoning from GR-1 (Rural Residential) to CR-3 (Single Residence) (Cluster Development Option).

OWNER: Vistoso Catalina LP
Attn: Hinderaker & Rauh
2401 E. Speedway Boulevard
Tucson, AZ 85719

AGENT: Alberto Moore
PO Box 43938
Tucson, AZ 85733

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of July 17, 2020, staff has received no public comment.

STAFF RECOMMENDATION: APPROVAL OF CLOSURE.

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

TD/DS/ds
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-07-24

Page 1 of 2

FOR AUGUST 17, 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: July 17, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE

Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING

Request of Vistoso Catalina Limited Partnership, represented by Alberto Moore, for **closure** of the 7.5-acre CR-3 (Single Residence) (Cluster Development Option) portion of Co9-07-24, an original 15-acre rezoning from the GR-1 (Rural Residential) (7.50 acres) and GR-1 (GZ) (Rural Residential – Gateway Overlay) (7.50 acres) zones to the CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay) (7.50 acres) zones located on the west side of Twin Lakes Drive, approximately one-half mile north of Golder Ranch Drive and addressed as **15425 N. Twin Lakes Drive**. The rezoning was conditionally approved in 2012, received a five-year time extension in 2017, and expires on April 17, 2022. Staff recommends **CLOSURE**. (District 1)

STAFF RECOMMENDATION

Staff recommends **CLOSURE** of the 7.5-acre portion of the rezoning from GR-1 (Rural Residential) to the CR-3 (Single Residence) (Cluster Development Option) for Condominium Units including portions of Common Area "A" (Natural Open Space), Common Area "B" (Street) and Common Area "C" (Recreation). Vistoso Catalina Limited Partnership, the owner of the three parcels consisting of the entire rezoning site, requests closure of the CR-3 (Cluster Development Option) portion of the rezoning

REQUEST OF APPLICANT

Due to a potential sale of the property, the current owner requests this closure. They believe the public is interested in homes on larger lots. Additionally, the property does not have sewer availability (at least 500' to the northwest of E. Hawser Street) and larger lots provide the option to utilize individual septic systems.

PLANNING REPORT

The rezoning from GR-1 and GR-1 (GZ) zones to the CR-3 (Cluster Development Option) and CR-4 (GZ) zones was conditionally approved on April 17, 2012. Rezoning Ordinance 2012-35

was adopted on August 7, 2012. A five-year time extension to complete rezoning conditions was approved by the Board on June 20, 2017, subject to modified rezoning conditions.

The rezoning will expire on April 17, 2022. The conditions remain to be satisfied. The zoning code requires a public hearing to close a portion of the rezoning and cause the property to revert to its previous GR-1 zoning classification (Section 18.91.100.F).

GR-1 zoning complies with the site's Low Intensity Urban-3.0 (LIU-3.0) comprehensive plan designation, which allows a maximum density of three residences per acre. The minimum site area per dwelling in the GR-1 zone is 36,000 square feet. A total of five lots can be produced without a subdivision plat but fewer lots may be necessary to meet any slope density requirement.

The rezoning site consists of three parcels of 7.5, 5.0, and 2.5 acres. The closure request is for the northernmost 7.5-acre parcel. Since the rezoning, one acre of vacant land in the GR-1 zone was combined with the parcel producing an 8.5-acre parcel to provide direct access to N. Twin Lakes Drive.

The rezoning site is undeveloped and contains mostly undisturbed natural vegetation. An SH (Suburban Homestead) residential subdivision is located on the north and west sides of the subject parcel. To the east are GR-1 and SH residential unsubdivided properties and to the south is CR-4 (GZ) vacant land, the remainder of this rezoning case.

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

TRANSPORTATION REPORT

No objection to closure.

FLOOD CONTROL REPORT

No objection to closure.

WASTEWATER RECLAMATION REPORT

No objection to closure.

TD/DS

Attachments

cc: Vistoso Catalina LP, Attn: Hinderaker & Rauth, 2401 E Speedway Boulevard, Tucson AZ 85719

Vistoso Catalina LP, Alberto Moore, PO Box 43938, Tucson, AZ 85733

Tom Drzazgowski, Chief Zoning Inspector

Co9-07-24 File

GROSS SITE AREA: 14.981 ACRES
TOTAL NATURAL OPEN SPACE AREA: 4.0 ACRES
TOTAL RECREATION AREA: 1.52 ACRES

BUILDING DATA
 34' BLDG HEIGHT
 BLDG-1: 10 UNITS
 BLDG-2: 11 UNITS
 BLDG-3: 9 UNITS
 BLDG-4: 10 UNITS
 BLDG-5: 12 UNITS
 BLDG-6: 14 UNITS
 BLDG-7: 12 UNITS
 BLDG-8: 14 UNITS
 BLDG-9: 12 UNITS
 BLDG-10: 14 UNITS
 BLDG-11: 8 UNITS
TOTAL: 115 UNITS

MAXIMUM RESIDENTIAL DENSITY (B. & I.)
COMMUNITY CENTER
24' SLOPE HEIGHT

PARKING DATA
DABAGE: 40 SPACES
GARPORT: 66 SPACES
OPEN: 120 SPACES

**ALL LANDSCAPING SHALL BE DROUGHT
RESISTANT LOWWATER USING PLANTS**

**COMMUNITY
PARK # 1**
Dorchester Ave. - C
72,690 sq
Community Center
with exercise room,
tablets, office,
meeting room, pool,
spa pool, remedial,
barbecue and multi
recreation center

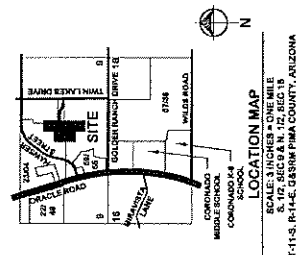
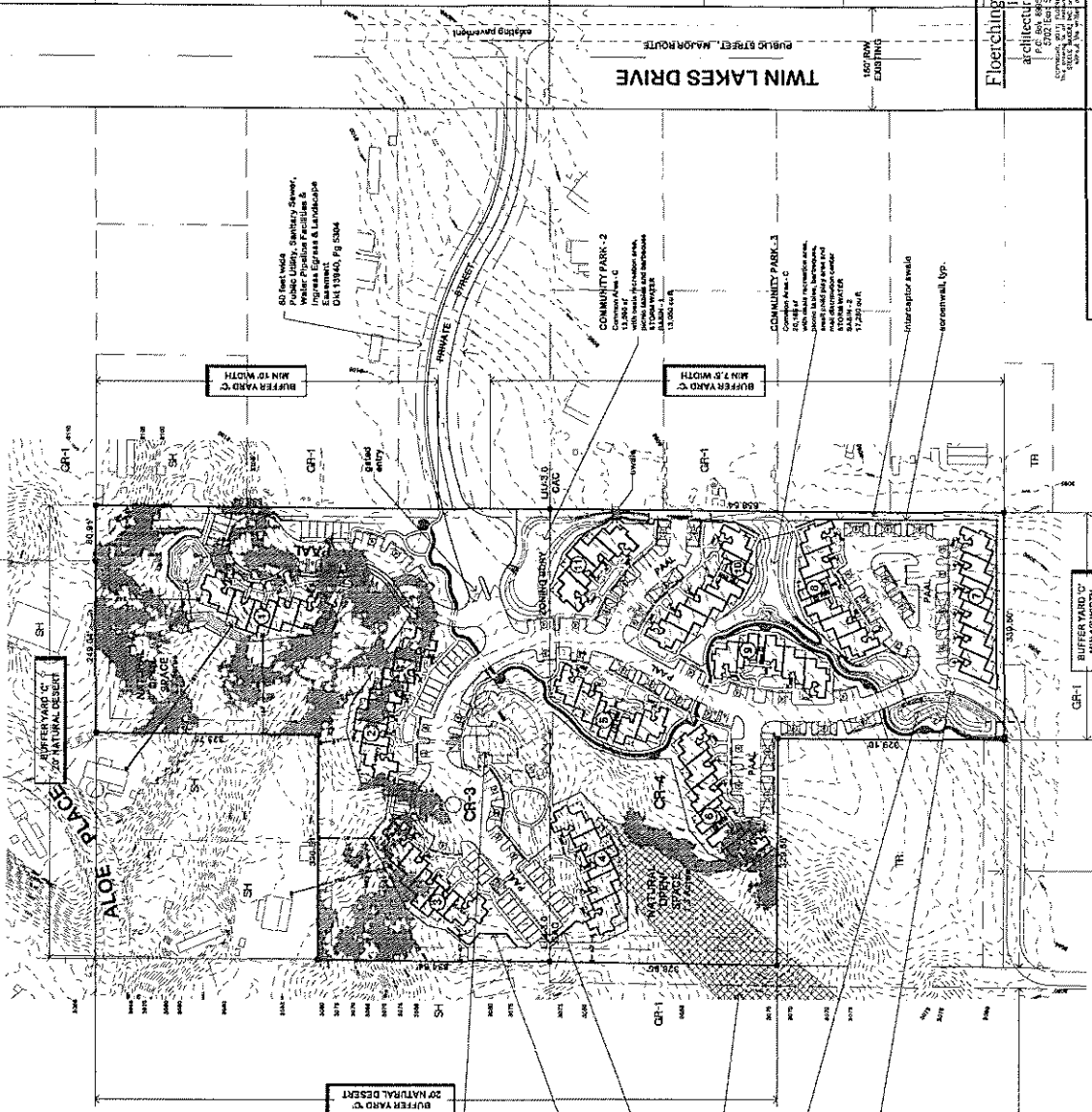
Recruitment Dimerase Subunit

COMMUNITY PARK - 4
Common Area - C
9,818 sq ft
with basic recreation area,
one structure and basketball
court.
STORM WATER
BASIN + 2
9,200 sq ft







Energy costs


30 ft. wide
Agrosil/Egress Elant
Dkt. 3584, Pg. 27
Spaced tape connecting
with Golder Nelson Road
Emergency Access
Piedmont Access
Public Sanitary Sewer
Pueblo Water
Pueblo Irrigation

30 ft wide
Public Utility,
Sewerage & Water
Supply, and
Landscaping
Facilities &
Easement
Sequence 20110340671



LEGEND

	15% + SLOPE
	EXERCISE NODE W/ BENCH SEATING, 6 LOCATIONS
	WALKWAY MAIN PATHWAY HIGHLIGHTED WALKWAY EXTENDS TO ALL UNITS AND PAUL AREAS
	OPEN PARKING 123 SPACES PROVIDED
	GARAGE PARKING 40 SPACES PROVIDED
	CARPOL PARKING 66 SPACES PROVIDED

	NOV. 2011 F5813 JOB NO 21005 CDS-07-004	Sheet 11
Floerchinger, Sadler & Steele - Baker INCORPORATED architects, civil engineering, planning P.O. Box 4865, Tucson, Arizona 85719 (520) 624-4144 2021 East Shea Boulevard, Scottsdale, Arizona 85254 Copyright © 2011 by Floerchinger, Sadler & Steele - Baker, Inc. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from Floerchinger, Sadler & Steele - Baker, Inc.	<h1 style="text-align: center;">PRELIMINARY DEVELOPMENT PLAN</h1> <h2 style="text-align: center;">VILLAGE AT VISTOSO CATALINA</h2> <h3 style="text-align: center;">CONDOMINIUM UNITS 1-128 & COMMON AREA "A" (NATURAL OPEN SPACE), COMMON AREA "B" (STREET) & COMMON AREA "C" (RECREATION)</h3> <p style="text-align: center;">LOCALITY: VILLAGE AT VISTOSO CATALINA T-11-3, R-14-2, Q-353M, PIMA COUNTY, ARIZONA</p>	
OWNER: VISTOSO CATALINA LIMITED PARTNERSHIP P.O. BOX 4388 TUCSON, ARIZONA 85733 (520) 621-6550	DEVELOPER: VISTOSO CATALINA LIMITED PARTNERSHIP P.O. BOX 4388 TUCSON, ARIZONA 85733 (520) 621-6550	

APPROVED AT PUBLIC HEARING
4/17/12

Case #: Co9-07-24
Case Name: ARBER - TWIN LAKES DRIVE REZONING
Tax Code(s): Portion of 222-22-017B

AERIAL EXHIBIT



Pictometry International Corp. USDA National Agricultural Imagery Program (NAIP). Pima County Association of Governments (PAG).

0 285 570 1,140 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**



Notes: **Rezoning Closure**

Ref Case #: P20SA00005

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10






Map Scale: 1:8,000

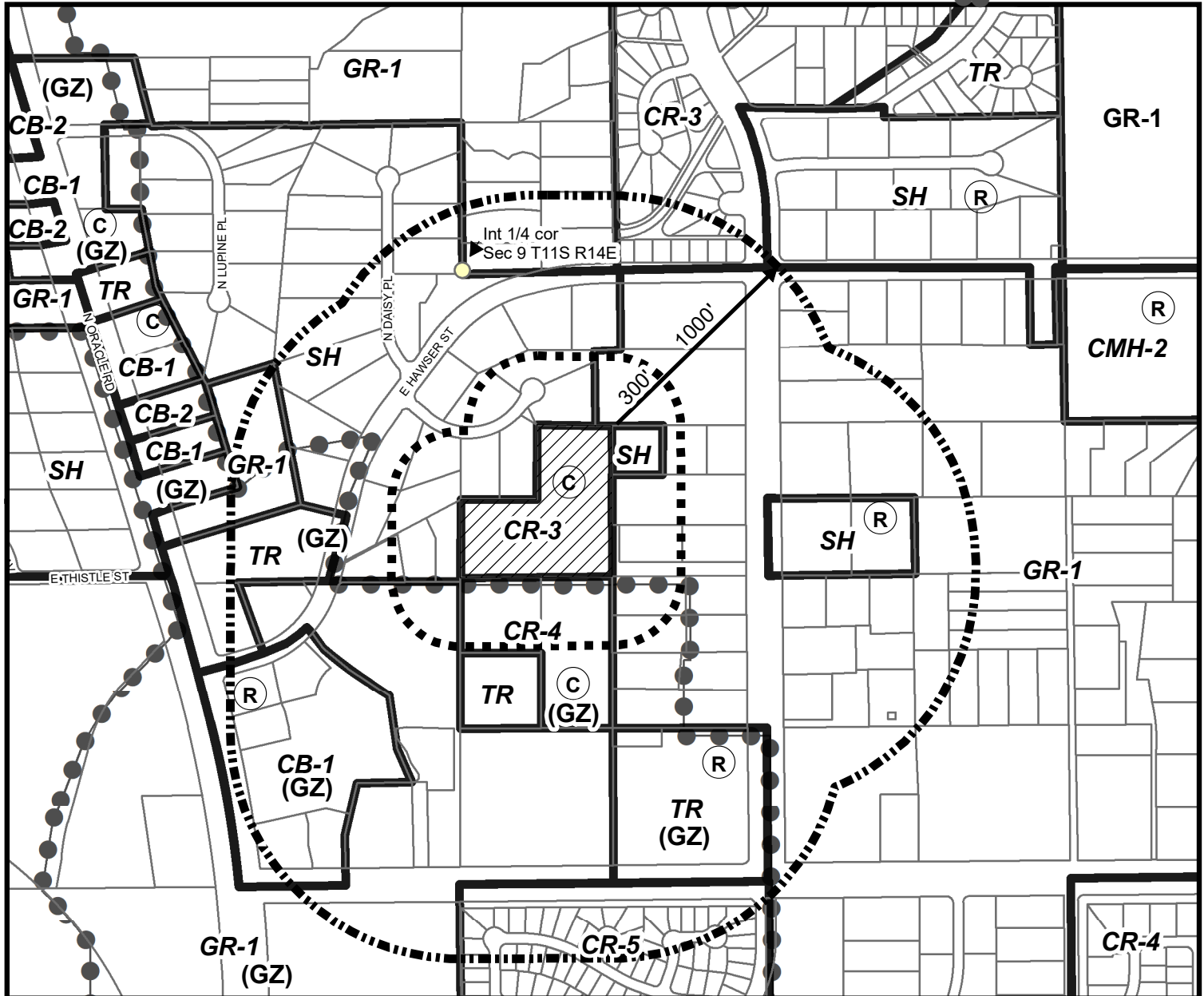
Map Date: 7/13/2020 - ds



Case #: Co9-07-24
Case Name: ARBER - TWIN LAKES DRIVE REZONING
Tax Code(s): Portion of 222-22-017B


Rezoning Closure

-  300' notification Area
-  Subject Property
-  1000' Notification Area
-  Zoning Boundary
-  Gateway Overlay Zone (GZ-1)



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

	Notes: Rezoning Closure		Ref Case #: P20SA00005	
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
			Board of Supervisors Hearing: August 17, 2020	
	Base Map(s): 432		Map Scale: 1:8,000	Map Date: 7/10/2020 - ds

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Land Use Legend and Map

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 3.0 (LIU-3.0)



- Residential Gross Density: Minimum- none; Maximum- 3.0 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 1.5 RAC; Maximum- 3.0 RAC

Case #: Co9-07-24
Case Name: ARBER - TWIN LAKES DRIVE REZONING
Tax Code(s): Portion of 222-22-017B

COMPREHENSIVE PLAN EXHIBIT



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

	Notes: Rezoning Closure		Ref Case #: P20SA00005	
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Map Scale: 1:8,000	Map Date: 7/13/2020 - ds		

Ms. Donna Spicola, Planner, Pima County Development Services<

Dsdplanning@pima.gov>>

Owner: Vistoso Catalina Limited Partnership, Certificate of Limited Partnership # 2000 6723; Authorized Representative, Mr. Alberto Moore, (520) 954-3355; <ALBERTOMOORE05@GMAILCOM>; P.O. Box 43938, Tucson, Arizona, 85733-3918.

Property: The property is approximately 7 1/2 acres located at 15425 N. Twin Lakes Drive, Catalina, AZ, 85739; Tax Code 222-22-017B;

The entire 20 acres of Vistoso Catalina Limited Partnership was sold to Arber LLC, a Tucson home building firm in 2007. That firm produced a Development Plan for a Condominium project that encompassed the entire site. That plan was approved as was the rezoning for a portion of the subject parcel. from GR-1 to CR-3. Subsequently, Arber LLC went into bankruptcy, and the property reverted back to Vistoso Catalina Limited Partnership.

It is our belief that the buying public is interested in large lots for homes and a more pastoral/ rural environment as opposed to a smalllot subdivision or condominiums. In addition, the parcel does not have sewer availability. The property is currently under contract in an arm's length transaction to an unrelated buyer who requested that we apply for closure to the conditional CR-3 land use designation reverting the back to the original GR-1 zoning.

The rezoning case number is -CO9-07-24 and again, this was by Arber LLC.

Ownership: Corporate officers are Mr. Alberto Moore, General Partner and Mr. Michael Byrne, General Partner.

Ms. Donna Spicola, Planner

Pima County Development Services

Dear Ms.Spicola

Mr. Michael Byrne and I are both General Partners of Vistoso Catalina Limited Partnership and as such, have the authority to sign documents, sell Partnership property, as well as other duties and responsibilities on behalf of the Partnership.

While I typically function as the Partnership Representative in dealing with the Limited Partners, governmental agencies and others, I am appointing Mr. Michael Byrne specifically, to be our spokesperson for our presentation to the Pima County Board of Supervisors regarding the closure of the CR-3 zoning on 7 1/2 acres of that parcel identified by Tax Code 222-22-017B. thereby restoring the GR-1 land use regulation. The initial rezoning of this property was accomplished by Arber LLC which had purchased and rezoned the property. Arber LLC subsequently went into bankruptcy and the property reverted back to Vistoso Catalina.

Thank you very much.

Sincerely,

A handwritten signature in black ink, which appears to be "Alberto Moore", is written over a large, faint oval. To the right of the signature, the date "6/25/20" is handwritten in black ink.

Alberto Moore, General Partner



#2

20006723
FILED

ARIZONA
SECRETARY OF STATE

January 2, 1987
For Office Use Only

Fee: \$10.00, plus \$3.00
per page

Submit 2 original copies

CERTIFICATE OF LIMITED PARTNERSHIP

A.R.S. §29-308

Return copy of original to:

Richard E. Frederick
1121 N. El Dorado Pl.
Suite 200
Tucson, AZ 85715

(See instructions on back page)

1. Vistoso Catalina Limited Partnership, an Arizona limited partnership
Name of Limited Partnership
2. Purchase, hold, and sell real property.
General Character of Business
Suite 1610, 5151 East Broadway, Tucson, AZ 85711
3. P.O. Box 43938 Tucson, Arizona 85733
Address of Office City State Zip
4. Mr. Alberto P. Moore, Suite 1610, 5151 East Broadway, Tucson, AZ 85711
Agent for service of process (A.R.S. §29-304) Address Phone
5. Name and business address of all general partners. (Please print or type).
Alberto P. Moore, Suite 1610, 5151 East Broadway, Tucson, AZ 85711
Name Street City State Zip
Michael G. Bryne, Suite 1610, 5151 East Broadway, Tucson, AZ 85711
6. Name and business address of all limited partners. (Please print or type).
*****SEE ATTACHED*****
Name Street City State Zip
7. Date of formation December 15, 1986
8. Amount of cash/description/statement of agreed value of other property contributed by each partner and which each partner has agreed to contribute in the future:
\$17,550.00 each.
9. The times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made:
The General Partner may call for special assesments at any time,
however none are contemplated and the partnership reserves should
adequately cover any unforeseen contingencies.

THE OFFICE OF THE SECRETARY OF STATE
HEREBY DISCLAIMS ANY REPRESENTATION
THAT THESE DOCUMENTS, FILED PURSUANT
TO THE UNIFORM LIMITED PARTNERSHIP
ACT, CONFORM TO LAW
Rose Mofford
ARIZONA SECRETARY OF STATE

10. Any power of a limited partner to grant the right to become a limited partner to an assignee of any part of his partnership interest, and the terms and conditions of the power:

A Limited Partner may petition the Genral Partner for permission to assign his Partnership interest.

11. If agreed upon the time at which or the events on the happening of which a partner may terminate his membership in the limited partnership and the amount of, or the method of determining, the distribution to which he may be entitled repsecting his partnership interest, and the terms and conditions of the termination and distribution.

Upon the sale of the real property and receipt and distribution of all Partnership assets.

12. Any right of a partner to receive distribution of property, including cash from the limited partnership.

The Limited Partnership agreement clearly states the method and timing of distribution of Partnership earnings and assets.

13. Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contributions

Quarterly after allowance for future expenses and reserves. No distributions are anticipated before the sale of the real property.

14. Any time at which or events upon the happening of which the limited partnership is to be dissolved and its affairs wound up:

Upon Partnership's final receipt and distribution of all proceeds from the sale of the real property.

15. Any right of the remaining general partners to continue the business on the happening of an event of withdrawal of a general partner; any other matters and any other matters the partners determine to include therein.

Remaining General Partner partners form a new general partnership and are bound by the existing Limited Partnership agreement.

We hereby declare that we are the persons who executed the Certificate of Limited Partnership, which execution by signature below is our act and deed.



Partner (signature)

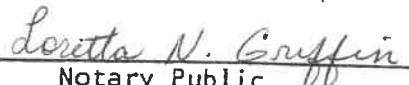
Alberto P. Moore
Partner (printed)



Michael G. Bryne

State of Arizona)
County of Pima) ss.

Subscribed and sworn to before me this 15th day of December, 1986



Notary Public

My Commission Expires: 6/30/90

See Reverse side for instructions in completing.

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



SEQUENCE: 20173320787
NO. PAGES: 8
11/28/2017
18:00:00

RESOLUTION 2017- 88

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING; LOCATED ON THE WEST SIDE OF TWIN LAKES DRIVE, APPROXIMATELY ½-MILE NORTH OF GOLDER RANCH DRIVE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2012-35.

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

1. On April 17, 2012, in rezoning case Co9-07-24, the Pima County Board of Supervisors approved the rezoning of approximately 15.0 acres located on the west side of Twin Lakes Drive, approximately ½-mile north of Golder Ranch Drive, as shown on Exhibit A, from GR-1 (Rural Residential) (7.50 acres) and GR-1 (GZ) (Rural Residential – Gateway Overlay Zone) (7.50 acres) to CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay Zone) (7.50 acres), subject to standard and special conditions.
2. On August 7, 2012, the Pima County Board of Supervisors adopted rezoning Ordinance 2012-35, recorded at Sequence 20122270624, rezoning the approximate 15.0 acres described in rezoning case Co9-07-24 and memorializing the standard and special conditions.
3. On March 20, 2017, the owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2012-35;
4. On June 20, 2017, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions;
5. Section 3 of Ordinance No. 2012-35 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2012-35 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.

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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 condition:
The property owner(s) / developers(s) shall provide offsite improvements to Twin Lakes Road Drive as determined necessary by the Pima County Department of Transportation.
8. Flood Control conditions:
 - A. ~~The property owner(s) / developers(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.~~
 - B. ~~The property owner(s) / developers(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.~~
 - C. ~~All weather access shall be provided to all lots to meet concurrency requirements.~~
 - D. ~~Disturbance of greater than 1/3 of an acre of Regulated Riparian Habitat shall require a Riparian Habitat Mitigation Plan.~~

At the time of development, conservation measures sufficient to obtain 15 points on Table B of the Site Analysis Checklist Preliminary Integrated Water Management Plan in effect at the time shall be identified on the site construction permits and covenants to ensure they remain in place.

9. Wastewater Reclamation conditions:
 - A. The property owner(s) / developers(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
 - B. The property owner(s) / developers(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima

County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

- C. The property owner(s) / developers(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - D. The property owner(s) / developers(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - E. The property owner(s) / developers(s) shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - F. The property owner(s) / developers(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Environmental Quality condition:
As a condition of approval, the property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.

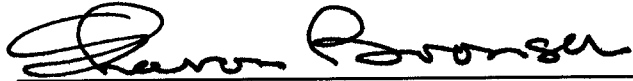
- C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Natural Resources, Parks and Recreation condition:
The project shall use section II-O Recreation and Trails from the site analysis as a guideline for development of the recreation facilities. A final determination of recreation facilities shall be ~~determined~~ made at time of platting.
13. Environmental Planning condition:
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~
14. The property owner / developer shall provide documentation at the time of final plat review that there is legal and adequate access for the project.
15. The development shall conform to the sustainable, solar and water harvesting design features described in the site analysis in Section II-R (Other) on page 113. These include:
- A. Proposed development will include solar water heating of the pool and spa and photovoltaic lighting of selected walkway paths.
 - B. Photovoltaic on-grid power generation will be provided for the Community Center building to partially offset pool filtration, air conditioning and lighting power demand.
 - C. Each residential unit shall have a solar assisted domestic water heating system.
 - D. Significant windows within the project shall be shaded to preclude high-angle sun solar heat gain in summer and to allow low-angle passive solar gain in the winter.
 - E. Desert landscape planting, including indigenous ground covers, shrubs and small scale trees shall be placed adjacent to sunlit walls to reduce reflected solar heat gain.
16. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

- ~~17. The owner(s) / developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department 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.~~
- ~~18~~17. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § ~~42-1134(I)~~ 12-113."
- ~~19~~18. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).
- ~~20~~19. Design conditions:
- A. The western end units of buildings along the west property line shall be limited to one story.
 - B. There shall be a forty-foot bufferyard along the west property line.
 - C. Opaque screen walls shall be prohibited in areas adjacent to natural open space.

Section 2. Section 3 of Ordinance No. 2012-35 is restated and modified as follows:

1. Conditions 1 through ~~20~~ 19 shall be completed by April 17, ~~2047~~ 2022.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through ~~20~~ 19 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 21st day of November, 2017.

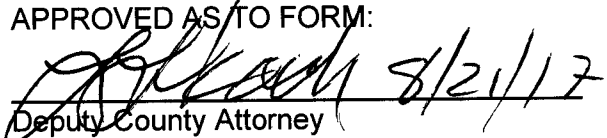


Chair, Pima County Board of Supervisors

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:

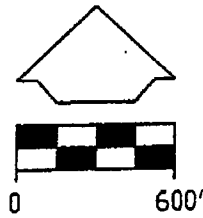

Deputy County Attorney
Lesley M. Lukach

APPROVED:

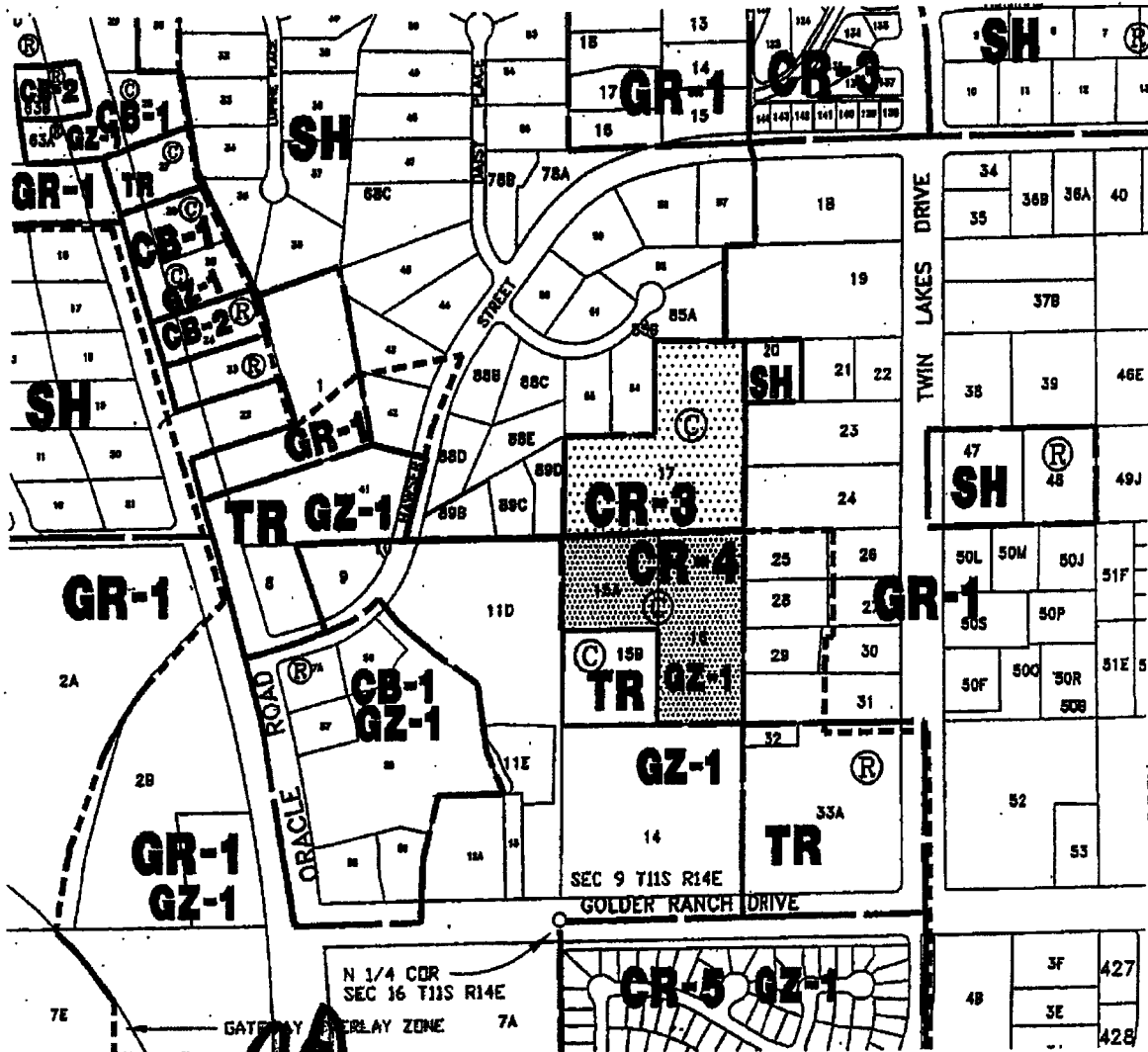

Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 51 BY ORDINANCE NO. 2012-35
 TO PIMA COUNTY ZONING MAP NO. 432 TUCSON, AZ.
 PARCELS 15A, 16 & 17 BEING A PORTION OF THE W 1/2 OF
 THE SE 1/4 OF SEC. 9, T11S R14E.



ADOPTED August 7, 2012 EFFECTIVE August 7, 2012

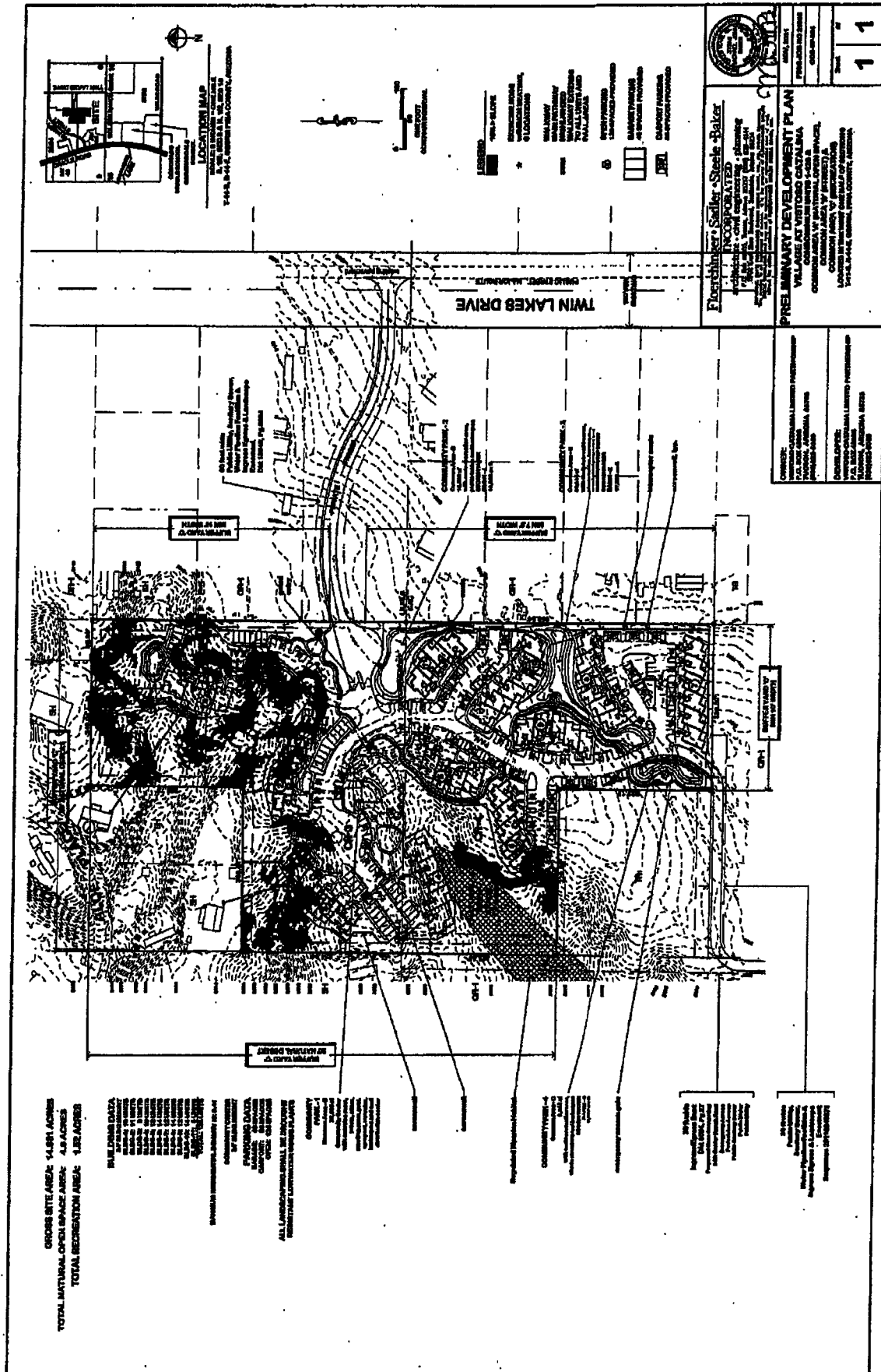


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM GR-1 & GR-1 (GZ) 15.0 ac±
 ds-JUNE 13, 2012

C09-07-24
 222-22-015A,
 222-22-0160 &
 222-22-0170

EXHIBIT B



APPROVED AT PUBLIC HEARING
4/17/12