BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: May 4, 2021

Title: Co9-04-17 LEE PLAZA LC – VALENCIA ROAD REZONING

Introduction/Background:

The applicant requests a five-year time extension of a 95.4-acre rezoning from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone on approximately 44.2 acres and from the GR-1 to the GR-1 (R) (Rural Residential - Restricted) zone on approximately 51.2 acres.

Discussion:

The applicant requests the need for a five-year time extension due to development challenges. The property has remained unchanged since the approval of the original rezoning. The residential use remains appropriate and conforms to the Medium Intensity Urban comprehensive plan designation.

Conclusion:

A time extension is warranted since the owner has not been able to satisfy rezoning conditions. The proposed residential use remains suitable for this site. The recommended original and modified conditions are being updated to current standard language and policy treatment. The time extension will allow a total of 20 years to complete rezoning conditions.

Recommendation:

Staff recommends APPROVAL of a five-year time extension subject to original and modified standard and special conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ All

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

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

Department Director Signature/Date: 4/20/21

Deputy County Administrator Signature/Date: 4/20/2021

County Administrator Signature/Date: 4/20/21

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Adelita Grijalva, Supervisor, District 5

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

DATE: April 13, 2021

SUBJECT: **Co9-04-17** **LEE PLAZA LC – VALENCIA ROAD REZONING**

The above referenced **Rezoning Time Extension** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MAY 4, 2021** hearing.

REQUEST: A five-year **time extension** of a 95.4-acre rezoning from GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone on approximately 44.2 acres and from the GR-1 (Rural Residential) to the GR-1® (Rural Residential – Restricted) zone on approximately 51.2 acres located on the west side of S. Mark Road, approximately 600 feet north of W. Valencia Road.

OWNERS: Mark Road, LLC
Attn: Jason Wong
PO Box 65837
Tucson, AZ 85728

AGENT: Presidio Engineering, Inc.
Attn: John Wood, P.E., President
190 S. Stratford Dr., Ste. 105
Tucson, AZ 85716

DISTRICT: 5

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of April 13, 2021, staff has received no written public comments.

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

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is not within the Maeveen Marie Behan Conservation Land System (CLS).

TD/DS
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-04-17

FOR TUESDAY, MAY 4, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: April 13, 2021

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-04-17 LEE PLAZA LC – VALENCIA ROAD REZONING

Mark Road LLC, represented by Presidio Engineering, Inc., requests a five-year **time extension** for a 95.4-acre rezoning (parcel code 21023003A) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone on approximately 44.2 acres and from the GR-1 (Rural Residential) to the GR-1® (Rural Residential – Restricted) zone on approximately 51.2 acres. The subject site was rezoned in 2006. The rezoning expires on March 21, 2021. The 95.4-acre site is located on the west side of S. Mark Road, approximately 600 feet north of W. Valencia Road. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 5)

STAFF RECOMMENDATION

Staff recommends **APPROVAL of a five-year time extension** to March 21, 2026 as per the applicant's request for the original 95.4-acre rezoning from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone on approximately 44.2 acres and from the GR-1 (Rural Residential) to the GR-1® (Rural Residential – Restricted) zone on approximately 51.2 acres, subject to original and modified standard and special conditions as follows:

~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
~~2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
~~3. Provision of development related assurances as required by the appropriate agencies.~~
~~4. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.~~

~~5~~1. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.

~~6~~2. Transportation conditions:

A. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. The owner / developer shall provide off-site improvements as a result of the traffic impact study and as determined necessary by the Department of Transportation.

B. Two access points are required for the site, main access shall be provided to Valencia Road and a secondary access to Mark Road. The l~~L~~ocation and design of access points to Valencia Road and Mark Road shall be determined at the time of Tentative Plat permitting process and shall require approval of the Department of Transportation.

C. The property owner / developer shall obtain necessary legal, paved, all-weather access through the neighboring properties to Valencia Road prior to Tentative Plat approval.

~~7~~3. Regional Flood Control District conditions:

A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

B. Submittal of a complete hydraulic and hydrologic drainage report to the Department of Transportation and the Flood Control District.

C. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on site and off site of the subject property, including but not limited to, detention and all weather access. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District. In addition to providing these improvements at no cost to the County, the owner(s) may be required to contribute funds for improvements to be constructed by the County.

D. A Final Integrated Water Management Plan shall be submitted to the Flood Control District for review and approval at the time of development that identifies water conservation measures consistent with the Pima County Comprehensive Plan Water Element and Rezoning Site Analysis Requirements.

~~8~~4. Regional Wastewater Reclamation conditions:

A. The owner(s) ~~/ developer 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. The owner / developer acknowledges treatment and conveyance capacity may not be available when development of the property is desired and~~ shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.

B. The owner(s) ~~/ developer~~ 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, ~~that~~ the owner(s) ~~/ developer~~ shall enter into a written agreement addressing ~~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~~s~~ affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD. ~~Pima County Regional~~

~~Wastewater Reclamation Department~~.

C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

~~C~~.D. The owner(s) ~~/ developer~~ shall sewer the rezoning area as directed below:

1. The rezoning area may be sewered using private gravity sewers within private streets flowing to a private sewage pumping station that discharges to existing public sewer line, G-90-049, via a private force main, only if authorized by the PCRWRD ~~Pima County Regional Wastewater Reclamation Department~~ in their written documentation that treatment and conveyance capacity for the proposed development is available.
2. The rezoning area may be sewered using public sewers, if and only if the owner(s) ~~/ developer~~ meets all of the following conditions:
   a. The on-site and off-site public sewers shall operate by gravity flow alone. No sewage pumping stations may be used.
   b. The owner(s) ~~/ developer~~ shall enter into a wastewater sewer ~~service~~ agreement with Pima County that specifies the necessary improvements to be made to Pima County's public sewerage system and their timing. This wastewater sewer ~~service~~ agreement may require the owner(s) ~~/ developer~~ to fund, design and construct an oversized off-site extension of the Valencia Road Trunk Sewer in Valencia Road right-of-way, either at his/her sole expense or cooperatively with other owners in the area, and/or to augment a portion of the existing Valencia Road trunk line.
   c. The owner(s) ~~/ developer~~ shall obtain any necessary off-site sewer easements across the adjacent properties at his/her own expense.
   d. The owner(s) ~~/ developer~~ shall provide an appropriately wide common area on the east side of the proposed development to accommodate future flow-through from the properties to the east currently being served by individual on-site wastewater disposal (septic) system.

~~D~~.E. The owner(s) ~~/ developer~~ 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 ~~Regional Wastewater Reclamation Department~~ in ~~the required sewer service agreement, the required~~ its capacity response letter and as specified by PCRWRD ~~the Development Services Department~~ at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

~~E~~.F. The owner(s) ~~/ developer~~ shall complete the construction of all necessary public and/or private sewerage facilities as required by all the applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, ~~and agreements~~, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

~~9~~5. Environmental Quality conditions:

A. The owner(s) shall conduct sufficient soil sampling and analysis on the subject parcels, and submit the results to Pima County Department of Environmental Quality (PDEQ), to demonstrate that the Arizona Department of Environmental Quality (ADEQ) Residential Soil Remediation levels for the 13 Environmental Protection Agency Priority Metals are not exceeded.

B. If the soil report shows that the site exceeds the maximum levels for the priority metals, building permits shall not be issued until such time that the site and the

Saginaw Hill site have been remediated. Soil sampling and analysis shall be submitted to PDEQ demonstrating that the site meets ADEQ requirements and documentation provided showing that the Saginaw Hill site no longer poses a risk to the subject property.

C. The properties shall be served by either public or private sewers.

~~10~~6. Environmental Planning condition:
Upon the effective date of the Ordinance, the owner(s)~~/developer(s) of the rezoned property~~ 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.~~

~~11~~7. Natural Resources, Parks and Recreation conditions:

A. View walls shall be constructed on north and west perimeter lots that are adjacent to open space.

B. Trails are permitted in the open space located in the northern half on the property, neighboring Saginaw Hill.

~~12~~8. Cultural Resources condition:
The final recovery report shall be approved by Pima County Cultural Resources Office prior to tentative plat approval or any disturbance to the site.

~~13~~9. All bufferyards mandated by Chapter 18.73 of the Pima County Zoning Code shall be located within common areas.

~~14~~10. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B"). A minimum of 200 residential lots shall be platted in the CR-4 portion of the rezoning.

~~15~~11. Development plans shall be submitted for review to the Design Review Committee.

~~16~~12. Public disclosure of potential noise pollution related to the casino shall be made available to potential buyers.

~~17~~13. In the event the subject property is annexed, the property owner~~(s)/developer(s)~~ 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.

~~18~~14. The property owner~~(s)/developer(s)~~ shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Condition #'s 1-4 are recommended for deletion as they are no longer recommended as standard rezoning conditions as a measure to reduce redundant requirements and ease processes. Pertaining to condition #1, a code requirement is no longer added as a rezoning condition while recorded covenants required by condition #'s 2-4 are met through the development process and permit conditions eliminating the need as rezoning conditions.

Modified and additional conditions #2A-C are recommended by the Transportation Department. A traffic impact study, two access points for the site and obtaining legal access over neighboring

property are all requirements prior to or during the tentative plat process.

Modified and renumbered conditions #4A-F reflect current Regional Wastewater Reclamation conditions.

The covenant requirement is recommended for deletion pertaining to the requirement for on-going removal of buffelgrass per renumbered condition #6.

The aforementioned recommendations are relatively standard adjustments to the list of standard and common conditions for rezoning time extensions.

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

STAFF REPORT:

Staff supports a five-year rezoning time extension; the proposed use remains suitable at this location. Concurrency of infrastructure either exists outright or subject to conditions to ensure concurrency per reporting agencies. The CR-4 rezoning is substantially compliant with the Medium Intensity Urban (MIU) plan designation and the GR-1 restricted area provides open space for a restricted peak. Conditions are also in place to ensure potential remediation of possible soil contamination prior to building permit issuance.

The applicant states, "...due to development challenges, the owners have not yet been able to satisfy the conditions of the rezoning. However, the owners continue to work towards meeting the rezoning conditions which includes developing a phasing strategy to work with Tucson Water in order to provide water service to the project."

Approval of the requested five-year time extension will provide a total of 20 years to complete rezoning conditions from the initial March 21, 2006 rezoning approved by the Board. A five-year time extension will provide a new case expiration date of March 21, 2026.

The approved rezoning preliminary development plan shows 210 lots within a proposed subdivision for the 44.2-acre CR-4 portion of the rezoning on the lesser-sloped area of the undeveloped site. One- and two-story detached residences are proposed. The 51.2-acre open space GR-1 ® portion of the rezoning contains the Saginaw Hill protected peak (PR-1) and includes its southern slope and portions of its eastern and western slope. The area is labeled as to be dedicated to Pima County.

The proposed density of the CR-4 portion is approximately 4.75 residences per acre (RAC) which is near the minimum 5.0 RAC required for the MIU comprehensive plan designation. An increase of 11 units, from 210 to 221 would be necessary to achieve the 5.0 RAC minimum. To ensure near compliance with the minimum density while also allowing for engineering and regulatory leeway, staff recommends that a minimum of 200 units be achieved in the CR-4 portion of the rezoning as per renumbered condition #10. This would correlate to approximately 4.5 RAC.

GR-1 ® portion of the rezoning does not comply with MIU, but since the area will be natural open space that is proposed to be dedicated to Pima County, the plan designation is not a factor.

The site is subject to Special Area Policy S-29 Southwest Infrastructure Plan (SWIP), which applies to a large portion of Southwest Planning Area. Regional Flood Control recommends

renumbered condition #3D as it relates to the Water Resources Element within the current comprehensive plan.

The subject property is located on the west side of Mark Road, approximately 600 feet north of Valencia Road. It is not located within the Maeveen Marie Behan Conservations Lands System.

The site remains in its mostly undisturbed natural condition since rezoning approval. Trails still exist, as does an easement for the regional El Paso gas line in the southwest corner of the site adjacent to proposed lots.

The original 95.4-acre rezoning to CR-4 and GR-1 ® was approved in March 2006 and the Board adopted ordinance 2006-81 memorializing the standard and special conditions. The Board approved five-year time extensions in 2011 and 2016.

Staff supports the rezoning time extension since residential use is appropriate under the CR-4 zoning and is compatible with the MIU comprehensive plan designation.

Denial of the time extension will cause the site to revert to unrestricted GR-1 zoning which would not conform to the MIU plan designation. At 36,000 square feet per lot, the gross allowance of residences under GR-1 is 114. The net allowance would be less under subdivision development. Closure of the rezoning would not preclude the possibility of a future CR-4 rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	GR-1	Elementary School / Undeveloped Federal Land
South:	GR-1	Undeveloped
East:	GR-1 / SH	Residential
West:	GR-1	Undeveloped Federal Land

CONCURRENCY CONSIDERATIONS		
Department/Agency	*Concurrency Considerations Met: Yes / No / NA*	*Other Comments*
TRANSPORTATION	Yes	Subject to conditions
FLOOD CONTROL	Yes	Subject to conditions
WASTEWATER	Yes	Subject to conditions
PARKS AND RECREATION	Yes	Subject to conditions
WATER	No response received.	Tucson Water has not committed to provision of water service in prior comments.
SCHOOLS	No response from TUSD.	

TRANSPORTATION DEPARTMENT REPORT:
The site remains undeveloped since the rezoning was approved in 2006. The subject site is directly adjacent to Mark Road with Valencia Road approximately 600 feet to the south. Mark Road becomes Joseph Road north of the site.

Mark Road is a paved two-lane roadway maintained by the County with 35 mph posted speed limit. Directly adjacent to the site, the existing right-of-way width of Mark Road is 90 feet. Mark Road is a Major Collector per the ADOT's Statewide Federal Functional System map and has a planned right-of-way width of 90 feet per the Major Street Plans. The most recent traffic counts for Mark Road north of the site is 4,806 ADT and south of the site is 4,937 ADT. The roadway capacity of Mark Road is approximately 10,360 ADT.

Valencia Road is a paved four-lane divided roadway with a two-way left-turn lane and sidewalk on the south side of the road. Valencia Road is maintained by the County and has a posted speed limit of 45 mph. The existing right-of-way width of Valencia Road near the site is 150 feet. Valencia Road is a Minor Arterial per ADOT's Statewide Federal Functional System map and has a planned right-of-way of 200 feet per the Major Street Plans. The most recent traffic counts for Valencia Road west of Mark Road is 21,213 ADT and to the east is 20,625 ADT, but west of Camino de Oeste recent traffic counts are 28,070 ADT. Valencia Road has an approximately roadway capacity of 35,820 ADT.

Per renumbered condition #10, a minimum of 200 residential lots shall be platted. Therefore, the site is expected to generate approximately 2,000 ADT. Given the current counts and roadway capacity, there are no concurrency concerns with this request but due to the number of trips expected from the site, a traffic impact study would be required.

Access to the site is proposed on Mark Road and Valencia Road. The site fronts Mark Road to the east but does not have direct access to Valencia Road. The property owner shall provide for, or obtain if necessary, access through the neighboring properties to gain access to Valencia Road. Access through the adjacent property and/or Federal land property shall be obtained prior to Tentative Plat approval. Applicant has provided documentation of application submittal to Bureau of Land Management (BLM) for Transportation and Utility Systems and Facilities on Federal Lands to acquire legal access to the subject site.

The Department of Transportation has no objection to the rezoning time extension request of rezoning case Co9-04-17 subject to modifications and addition to the rezoning conditions as listed under renumbered conditions #2A-C.

REGIONAL FLOOD CONTROL DISTRICT REPORT:
The Pima County Regional Flood Control District has reviewed this request and has no objection subject to current conditions listed within renumbered condition #3A-D for this time extension.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:
The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced request for a 5-year time extension for the above-referenced rezoning case that was conditionally approved in 2006 and is due to expire in March 2021. The subject property is located on the east side of Mark Road and north of Valencia Road.

The rezoning area is within the PCRWRD service area and is tributary to the Avra Valley Water Reclamation Facility. The closest existing public sewer consists of an 8-inch sewer main in Mark

Road; the downstream conveyance system may have capacity available in limited quantities. Future development will likely require an extension of the sewer main in Valencia Road.

PCRWRD has no objection to the request for the rezoning time extension, but recommends the existing wastewater conditions in rezoning Ordinance 2016-46 adopted August 2, 2016 by the Board of Supervisors be replaced with changes to Wastewater Managements recommended conditions as listed in renumbered condition #4A-F.

UNITED STATE FISH AND WILDLIFE SERVICE COMMENTS:
Staff has not received a response to a request for comments.

PASCUA YAQUI TRIBE COMMENTS
Pascua Yaqui Tribe reviewed and provided no additional comments.

TRICO ELECTRIC POWER
Staff has not received a response to a request for comments.

TUCSON WATER COMPANY
Staff has not received a response to a request for comments.

SCHOOL DISTRICT REPORT
Tucson Unified School District has not responded to a request for comments.

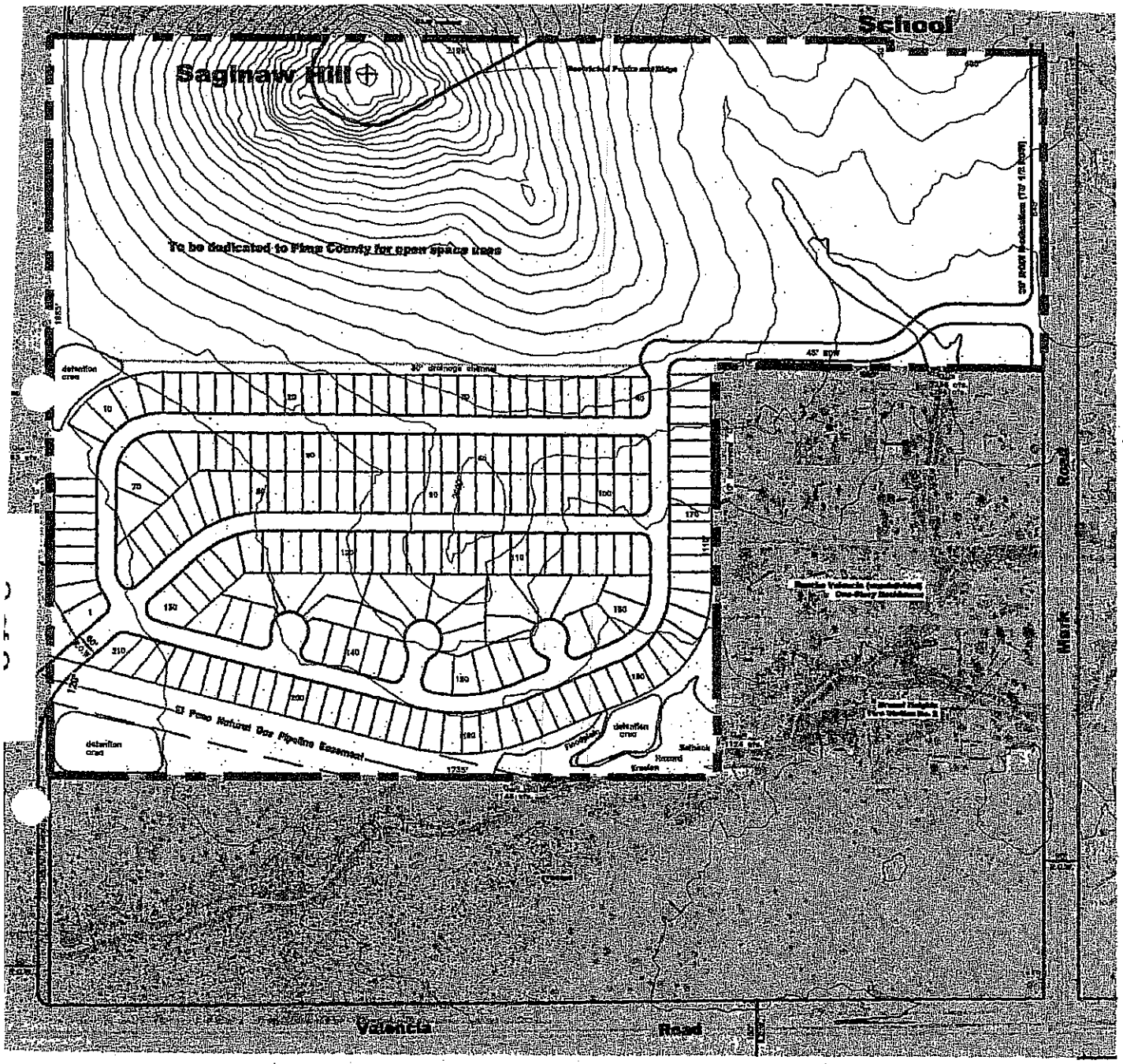
DREXEL HEIGHTS FIRE DEPARTMENT
Staff has not received a response to a request for comments.

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

PUBLIC COMMENTS:
As of April 13, 2021, staff has received no written public comments.

TD/DS
Attachments

cc: Presidio Engineering, Inc., Attn: John Wood, P.E., President, 190 S. Stratford Dr., Ste. 105, Tucson, AZ 85716
Tom Drzazgowski, Chief Zoning Inspector
Co9-04-17 File



Preliminary Development Plan

Site area: 95.45 acres

GR-1	**51.2 acres**
CR-4	**44.2 acres**

210 SFD Lots (45 x 110' min.)

2.2 rac gross 4.7 rac net (CR-4 area)

Building Height: one and two stories (maximum of 34' as allowed in CR-4)

Approved preliminary development plan BOS Hearing 3.21.06. Co9-04-17

EXHIBIT B

Valencia / Mark

Exhibit IIB.1 Preliminary Development Plan

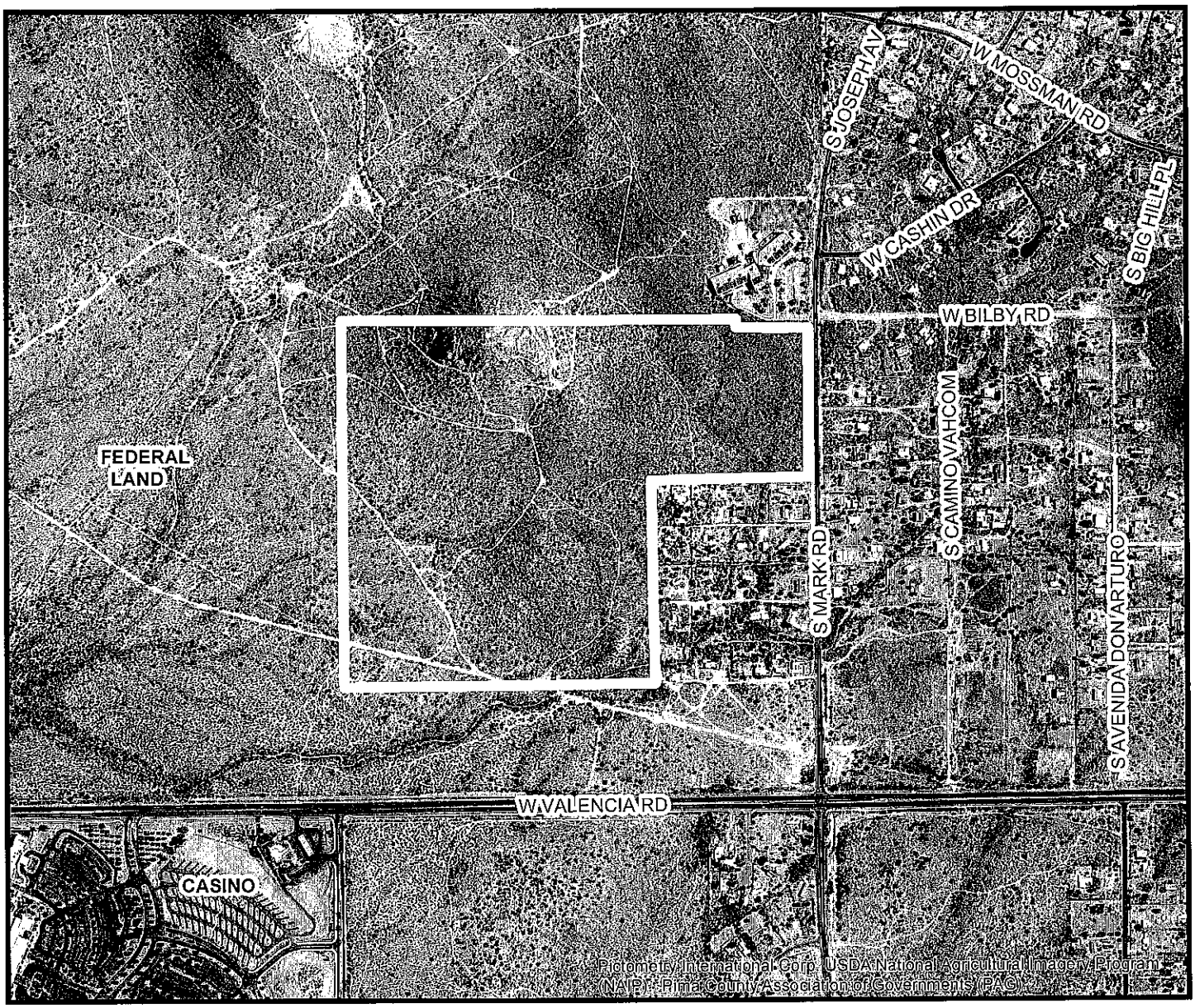
NORTH

0 200 400
SCALE IN FEET

Stantec
Planning and Landscape Group
301 N. Bonita Ave.
Tucson, Arizona 85745
Tel: (520) 798-7474
Fax: (520) 798-7479
www.stantec.com

Case #: Co9-04-17
Case Name: LEE PLAZA LC - VALENCIA ROAD REZONING
Tax Code(s): 210-23-003A

AERIAL EXHIBIT



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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Time Extension**

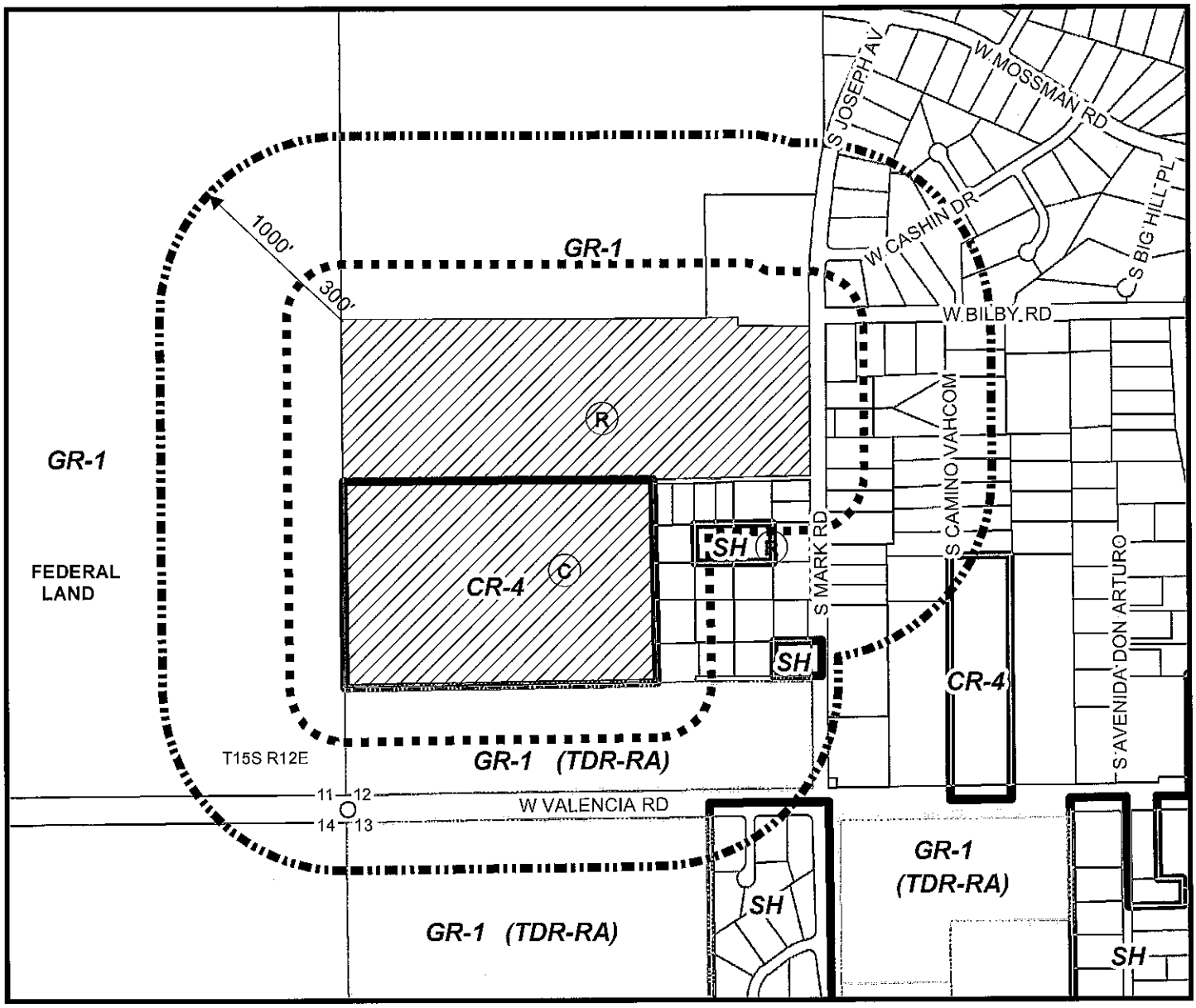
Ref Case: P21SA00001

Map Scale: 1:10,000 | **Map Date: 4/1/2021 - ds**

N W E S

Case #: Co9-04-17
Case Name: LEE PLAZA LC - VALENCIA ROAD REZONING
Tax Code(s): 210-23-003A

1000' Notification Area
300' Notification Area
Subject Property
Zoning Boundary
Transfer of Develoment Rights



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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Board of Supervisors Hearing: 05/4/21	Ref Case: P21SA00001

Base Map(s): 36, 37, 63, 64	Map Scale: 1:10,000	Map Date: 4/1/2021 - ds

N W E S

Medium Intensity Urban (MIU)

Objective: To designate areas for a mix of medium density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

- Residential Gross Density: Minimum- 5 RAC; Maximum- 13 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 10 RAC

S-29 Southwest Infrastructure Plan (SWIP) Area (SW)

General location

Generally bounded by Tucson Mountain Park on the north, Mission Road on the east, the Tohono O'odham Nation – San Xavier District on the south, and Sandario Road on the west, in Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 14 South, Range 11 East; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Township 15 South, Range 11 East; Sections 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Township 14 South, Range 12 East; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of Township 15 South, Range 12 East; Sections 30, 31, 32, 33, and 34 of Township 14 South, Range 13 East; and Sections 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21 of Township 15 South, Range 13 East (Ref. Co7-07-31, Resolution 2009-24).

Policies

A. Comprehensive Planning:

1. The Southwest Infrastructure Plan (SWIP) shall be used to guide needs, obligations, funding, and provision of infrastructure and services related to transportation, flood control, wastewater, parks and recreation, and other governmental facilities.
2. New residential uses are incompatible within the one-half mile area from the bounds of the Tucson Trap and Skeet Club (Tax Code 210-12-0420). Any conflicts with policies approved under previous plan amendments shall be resolved at the time of the rezoning or specific plan.
3. Proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the Southwest Infrastructure Plan (SWIP).

B. Environmental Planning:

At a minimum, applicable Maeveen Marie Behan Conservation Lands System Conservation Guidelines shall be complied with by providing for mitigation onsite, offsite, or in some combination thereof.

C. Regional Flood Control District:

1. No building permits shall be issued until offsite flood control improvements are constructed to remove proposed development out of the FEMA 100-year floodplain.
2. Development shall not occur within the Black Wash Administrative Floodway.

D. Wastewater Management:

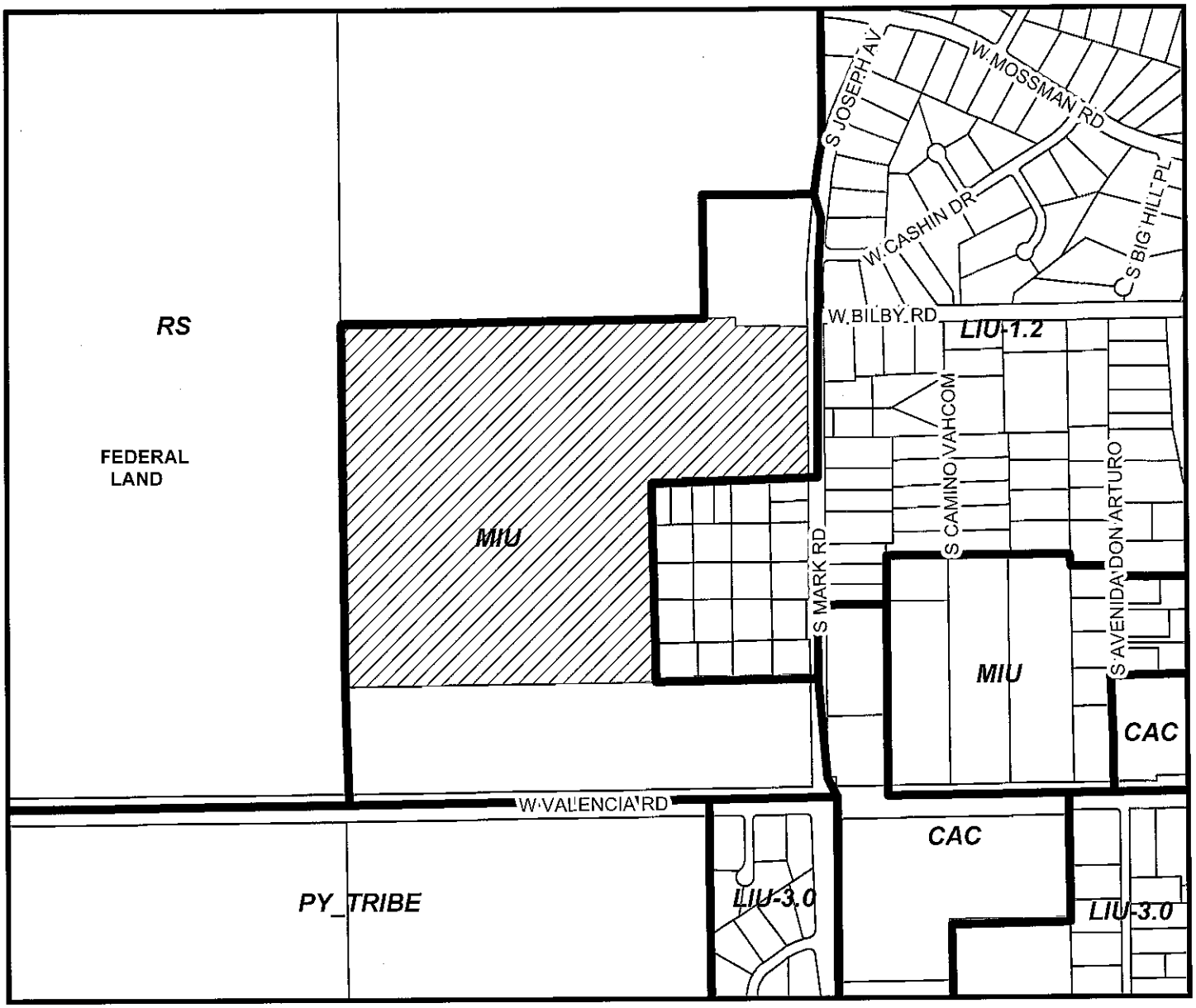
No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner/developer to that effect. Adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner/developer and other affected parties.

E. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer.

Case #: Co9-04-17
Case Name: LEE PLAZA LC - VALENCIA ROAD REZONING
Tax Code(s): 210-23-003A

COMPREHENSIVE PLAN EXHIBIT

Subject Property



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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
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PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Ref Case: P21SA00001

Map Scale: 1:10,000 | Map Date: 4/1/2021 - ds

N W E S

CIVIL • LAND DEVELOPMENT • WATER RESOURCES

Presidio
ENGINEERING INC

March 2, 2021

Ms. Donna Spicola
Planner
Pima County Development Services
Planning Department
201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701

Subject: Time Extension Request
Co9-04-17, Lee Plaza, LLC – Valencia Road Rezoning
Tax Code No. 210-23-003A
Presidio Engineering Job #115036-01-0103

Dear Ms. Spicola:

This letter has been prepared at the request of Mark Road, LLC, owner of the 94.45 +/- acre site identified as APN 210-23-003A.

Further, it is Mark Road, LLC's understanding that Rezoning Case No. Co9-04-17 associated with the above parcel is due to expire on March 21, 2021 and is subject to an initial closure hearing.

Consequently, this letter is to serve as written request to the Pima County Board of Supervisors to keep the case open and to grant a five year time extension for the rezoning. Presidio makes this request in accordance with the attached February 15, 2021 authorization letter.

Additionally, the owner has also informed Presidio that as of this date and due to development challenges, the owner has not yet been able to satisfy the conditions of the rezoning. However, the owners continue to work towards meeting the rezoning conditions which includes developing a phasing strategy to work with Tucson Water in order to provide water service to the project.

Further, in accordance with Section 18.91.080 of the Pima County Zoning Code and this request, please find attached the following items:

1. A February 15, 2021 agent authorization letter from Mark Road, LLC.
2. A February 15, 2021 disclosure of ownership letter from Mark Road, LLC.
3. A Biological Impact Report.

190 S. STRATFORD DR. SUITE #105
TUCSON, AZ 85716
TEL 520.795.7255
FAX 520.795.6747
WWW.PRESIDIOENGINEERING.COM

Please do not hesitate to contact me at 795-7255 ext. 103 should you need additional information or have questions in order to process the above time extension request.

Sincerely,
PRESIDIO ENGINEERING, INC.

John D. Wood, P.E., LEED-AP
PRESIDENT

Attachments

cc: David Lee, Mark Road, LLC w/ attachments
Jason Wong, Mark Road, LLC w/ attachments
File w/ attachments

MARK ROAD, LLC
PO Box 65837
Tucson, AZ 85728

February 15, 2021

Pima County Planning & Development
ATTN: Chris Poirier
201 N. Stone Avenue, 1st. Floor
Tucson, AZ 85701

RE: Co9-04-17 Lee Plaza LC – Valencia Road Rezoning
Tax Code: 210-23-003A

Dear Chris:

Please accept this letter as authorization for John Wood of Presidio Engineering to act on behalf of Mark Road, LLC and Lee Plaza, LC for the extension of the rezoning for the Valencia and Mark Road property.

If you have any questions please call; 520-603-1191

Thank you.

Sincerely yours,

Jason Wong
Manager/member of
Mark Road, LLC
Lee Plaza LC

MARK ROAD, LLC
PO Box 65837
Tucson, AZ 85728

February 15, 2021

Pima County Planning & Development
ATTN: Chris Poirier
201 N. Stone Avenue, 1st. Floor
Tucson, AZ 85701

RE: Co9-04-17 Lee Plaza LC – Valencia Road Rezoning
Tax Code: 210-23-003A

Dear Chris:

The members of Mark Road LLC are:

David and Diane Lew Revocable Trust/beneficiaries David and Diane Lew
Greg and Julia Lee Revocable Trust/beneficiaries Greg and Julia Lee
Lee Family Living Trust/beneficiaries Michael and Mei-Gee Lee
Jason and Joyce Wong Family Revocable Trust/beneficiaries Jason and Joyce Wong
David Lee Revocable Trust/beneficiary David Lee

If you have any questions please call; 520-603-1191.

Thank you.

Sincerely yours,

Jason Wong

Jason Wong
Manager/ member of
Mark Road, LLC

PIMA COUNTY
DEVELOPMENT SERVICES

201 N. Stone Avenue, Tucson, AZ 85701
(520) 724-9000
www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

Project ID *(case no., APN no., address, or other identifying info):*

Rezoning Case No. Co9-04-17, APN No. 210-23-003A

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) NA
   - Important Riparian Area
   - Biological Core
   - Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area? No
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? No
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? No
5. Is the project located within a Priority Conservation Area for any of the following species?
   a. Cactus ferruginous pygmy-owl: No
   b. Western burrowing owl: No
   c. Pima pineapple cactus: No
   d. Needle-spined pineapple cactus: No

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No
   If yes, provide a summary of those communications:

2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?
Contact the Office of Sustainability and Conservation at (520) 724-6940.

F. ANN RODRIGUEZ, RECORDER
Recorded By: LW
DEPUTY RECORDER
41
PIMA C
PIMA CO CLERK OF THE BOARD
PICKUP

SEQUENCE: 20162210141
NO. PAGES: 9
RES 08/08/2016
10:07:11
PICK UP
AMOUNT PAID: $0.00

RESOLUTION **2016-** 46

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-04-17 LEE PLAZA, L. C. – VALENCIA ROAD REZONING; LOCATED ON THE WEST SIDE OF MARK ROAD, APPROXIMATELY 600 FEET NORTH OF VALENCIA ROAD, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE 2006-81 AS AMENDED BY RESOLUTION 2015-72.

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

1. On March 21, 2006, in rezoning case Co9-04-17, the Pima County Board of Supervisors approved the rezoning of approximately 95.4 acres located on the west side of Mark Road approximately 600 feet north of Valencia Road, as shown on Exhibit A from GR-1 (Rural Residential) to CR-4 (Mixed-Dwelling Type) for approximately 44.2 acres and to GR-1® (Rural Residential - Restricted) for approximately 51.2 acres, subject to standard and special conditions.
2. On October 10, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance 2006-81, recorded in Docket 12910 at Page 02899, rezoning the approximate 95.4 acres described in rezoning case Co9-04-17 and memorializing the standard and special conditions.
3. On October 26, 2010, the owner(s) of the approximately 95.4 acres applied for a five-year extension of the time limit set forth in Section 3 of Ordinance 2006-81.
4. On July 12, 2011, the Pima County Board of Supervisors approved a five-year rezoning time extension for approximately 95.4 acres with modified standard and special rezoning conditions.
5. On November 10, 2015, the Pima County Board of Supervisors adopted Resolution 2015-72, recorded in Sequence 20153340139, memorializing the new rezoning time limit and modified standard and special conditions.
6. On January 6, 2016, the owner(s) of approximately 95.4 acres applied for a five-year extension of the of the time limit set forth in Section 3 of Ordinance 2006-81, as amended by Resolution 2015-72.
7. On April 5, 2016, the Pima County Board of Supervisors denied closure of the rezoning and approved a five-year time extension subject to modified standard and special conditions;
8. Section 3 of Ordinance 2006-81, as amended by Resolution 2015-72, 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 2006-81, as amended by Resolution 2015-72, 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~~2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.

~~4~~3. Provision of development related assurances as required by the appropriate agencies.

~~5~~4. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.

~~6~~5. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.

~~7~~6. Transportation conditions:

A. The owner / developer shall provide off-site improvements as determined necessary by the Department of Transportation.

~~B. The owner / developer shall dedicate 30 feet right-of-way for Mark Road.~~

~~C~~B. Location of access on Valencia and Mark Roads shall require approval of the Department of Transportation.

~~8~~7. Flood Control conditions:

A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

B. Submittal of a complete hydraulic and hydrologic drainage report to the Department of Transportation and the Flood Control District.

C. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on site and off site of the subject property, including but not limited to, detention and all weather access. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District. In addition to providing these improvements at no cost to the County, the owner(s) may be required to contribute funds for improvements to be constructed by the County.

D. A Final Integrated Water Management Plan shall be submitted to the Flood Control District for review and approval at the time of development that identifies water conservation measures consistent with the Pima County

Comprehensive Plan Water Element and Rezoning Site Analysis Requirements.

~~9~~8. Wastewater ~~Management~~ Reclamation conditions:

A. The owner / developer 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. The owner / developer acknowledges treatment and conveyance capacity may not be available when development of the property is desired and shall construe no action by Pima County as a commitment of capacity to serve the rezoning area until Pima County executes an agreement with the owner / developer to that effect.

B. The owner / developer 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 that owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his/her sole expense or cooperatively with others affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

C. The owner / developer shall sewer the rezoning area as directed below:

1. The rezoning area may be sewered using private gravity sewers within private streets flowing to a private sewage pumping station that discharges to existing public sewer line, G-90-049, via a private force main, only if authorized by the Pima County Regional Wastewater Reclamation Department in their written documentation that treatment and conveyance capacity for the proposed development is available.

2. The rezoning area may be sewered using public sewers, if and only if the owner / developer meets all of the following conditions:

a. The on-site and off-site public sewers shall operate by gravity flow alone. No sewage pumping stations may be used.

b. The owner / developer shall enter into a sewer service agreement with Pima County that specifies the necessary improvements to be made to Pima County's public sewerage system and their timing. This sewer service agreement may require the owner / developer to fund, design and construct an oversized off-site extension of the Valencia Road Trunk Sewer in Valencia Road right-of-way, either at his/her sole expense or cooperatively with other owners in the area, and/or to augment a portion of the existing Valencia Road trunk line.

c. The owner / developer shall obtain any necessary off-site

sewer easements across the adjacent properties at his/her own expense.

d. The owner / developer shall provide an appropriately wide common area on the east side of the proposed development to accommodate future flow-through from the properties to the east currently being served by individual on-site wastewater disposal (septic) system.

D. The owner / developer 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 the required sewer service agreement, the required 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.

E. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and agreements, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.

~~10~~9. Environmental Quality conditions:

A. The owner(s) shall conduct sufficient soil sampling and analysis on the subject parcels, and submit the results to Pima County Department of Environmental Quality (PDEQ), to demonstrate that the Arizona Department of Environmental Quality (ADEQ) Residential Soil Remediation levels for the 13 Environmental Protection Agency Priority Metals are not exceeded.

B. If the soil report shows that the site exceeds the maximum levels for the priority metals, building permits shall not be issued until such time that the site and the Saginaw Hill site have been remediated. Soil sampling and analysis shall be submitted to PDEQ demonstrating that the site meets ADEQ requirements and documentation provided showing that the Saginaw Hill site no longer poses a risk to the subject property.

C. The properties shall be served by either public or private sewers.

~~11~~10. Environmental Planning conditions:

~~A.~~ Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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.

~~B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.~~

~~**Invasive Non-Native Plant Species Subject to Control:**~~

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

~~12~~11. Natural Resources, Parks and Recreation conditions:

A. View walls shall be constructed on north and west perimeter lots that are adjacent to open space.

B. Trails are permitted in the open space located in the northern half on the property, neighboring Saginaw Hill.

~~13~~12. Cultural Resources condition:
The final recovery report shall be approved by Pima County Cultural Resources Office prior to tentative plat approval or any disturbance to the site.

~~14~~13. All bufferyards mandated by Chapter 18.73 of the Pima County Zoning Code shall be located within common areas.

~~15~~14. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B"). A minimum of 200 residential lots shall be platted in the CR-4 portion of the rezoning.

~~16~~15. Development plans shall be submitted for review to the Design Review Committee.

~~17~~16. Public disclosure of potential noise pollution related to the casino shall be made available to potential buyers.

~~18~~17. In the event the subject property is annexed, the owner(s)/developer(s) 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.

~~19~~18. The property owner(s)/developer(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

~~20. The property owner(s) / developers(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.~~

Section 2. Section 3 of Ordinance No. 2004-67, as amended by Resolution 2009-129, is amended and the time limit extended as follows:

1. Conditions 1 through ~~20~~ 18 shall be completed by March 21, ~~2016~~ 2021.

2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.

3. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through ~~20~~ 18 are satisfied and the Planning Official issues a Certificate of Compliance.

4. The rezoning conditions of Section 1 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 2nd day of August, 2016.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED:

Executive Secretary
Planning and Zoning Commission

APPROVED AS TO FORM:

6/29/16

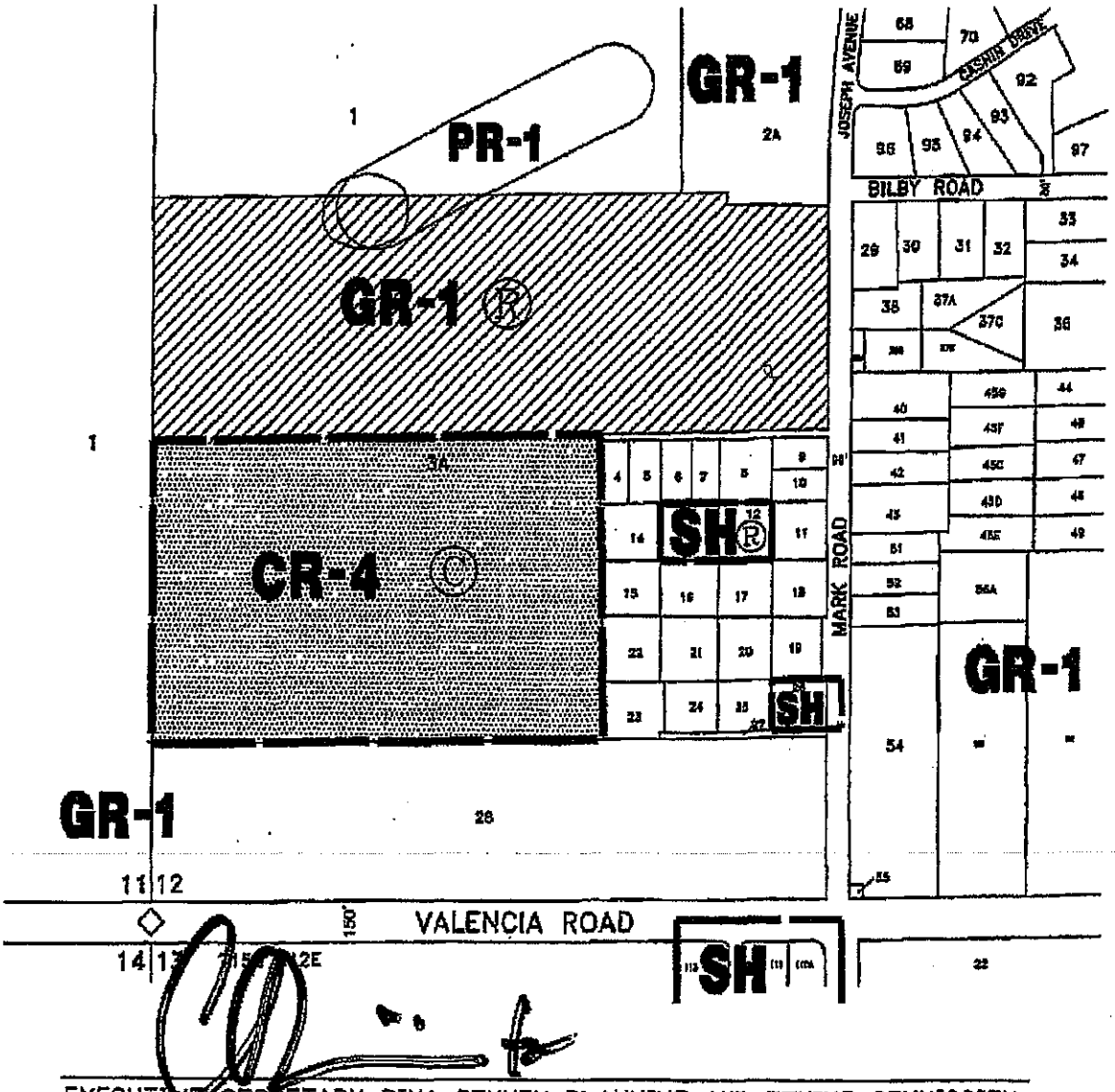
Deputy County Attorney
Lesley M. Lukach

EXHIBIT A

AMENDMENT NO's. 32, 56, 65 & 8 BY ORDINANCE NO. 2006-81
TO PIMA COUNTY ZONING MAP NO's. 36, 37, 63 & 64 TUCSON, AZ.
PARCEL 3A BEING A PART OF THE SOUTHWEST 1/4 OF
SECTION 12, T15S R12E.

ADOPTED OCTOBER 10, 2006 EFFECTIVE OCTOBER 10, 2006

0 600'

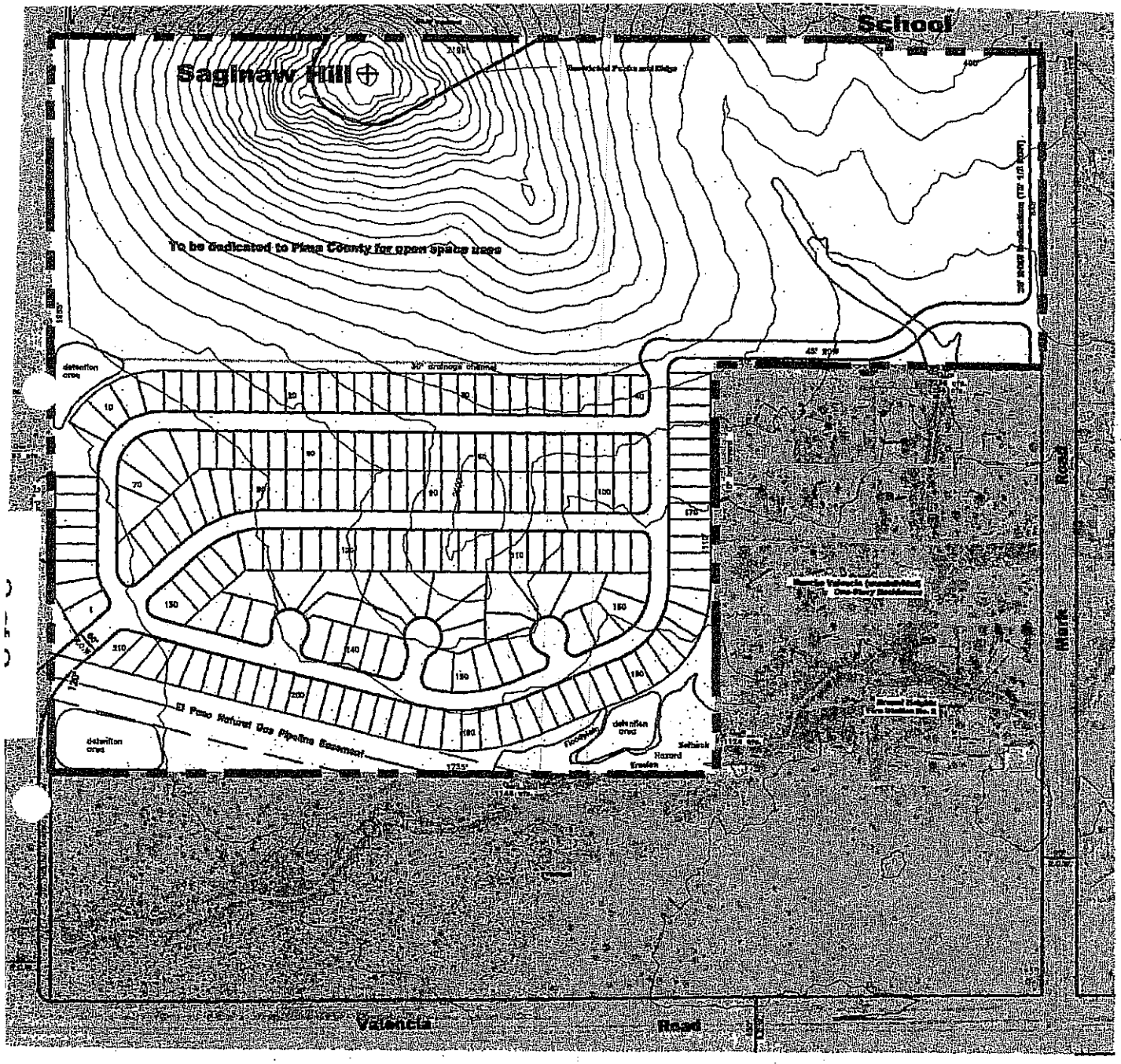


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

T2010-0206

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 95.4 ac± (GR-1(R) 51.2 & CR-4 44.2)
MA - SEPTEMBER 19, 2006

Co9-04-17
Co7-00-20
210-23-003A



Preliminary Development Plan

Site area: 95.45 acres

GR-1	51.2 acres
CR-4	44.2 acres

210 SFD Lots (45 x 110' min.)

2.2 rac gross 4.7 rac net (CR-4 area)

Building Height: one and two stories (maximum of 34' as allowed in CR-4)

EXHIBIT B

Approved preliminary development plan BOS Hearing 3-21-06. Co9-04-17

Valencia / Mark

Exhibit IIB.1 Preliminary Development Plan

NORTH

0 200 400
SCALE IN FEET

Stantec
Planning and Landscape Group
101 N. Stone Ave.
Tucson, Arizona 85745
Tel: (520) 750-7474
Fax: (520) 750-7470
www.stantec.com

Rezoning Time Extension Approval (5 years)
Co9-04-17 Board Minutes - 04/05/16

27. **Hearing - Rezoning Closure/Time Extension**

A. **Rezoning Closure**

Co9-04-17, LEE PLAZA, L.C. - VALENCIA ROAD REZONING Proposal to close Co9-04-17, a 95.4-acre rezoning from GR-1 (Rural Residential) to CR-4 (Mixed-Dwelling Type) (44.2 acres) and GR-1 ® (Rural Residential - Restricted) (51.2 acres) located on the west side of Mark Road, approximately 600 feet north of Valencia Road. The rezoning was conditionally approved in 2006 and expired on March 21, 2016. Staff recommends AGAINST CLOSURE. (District 5)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and carried by a 4-0 vote, to close the public hearing and accept the recommendation against closure.

B. **Rezoning Time Extension**

Co9-04-17, LEE PLAZA, L.C. - VALENCIA ROAD REZONING Request of Mark Road, L.L.C., represented by Presidio Engineering, Inc., for a five-year time extension for the above-referenced rezoning from CR-4 (Mixed-Dwelling Type) (44.2 acres) and GR-1 ® (Rural Residential - Restricted) (51.2 acres). The subject site was rezoned in 2006. The rezoning expired on March 21, 2016. The 95.4-acre site is located on the west side of Mark Road, approximately 600 feet north of Valencia Road. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 5)

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~~2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
~~4~~3. Provision of development related assurances as required by the appropriate agencies.
~~5~~4. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
~~6~~5. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.
~~7~~6. Transportation conditions:
   A. The owner / developer shall provide off-site improvements as determined necessary by the Department of Transportation.
   ~~B. The owner / developer shall dedicate 30 feet right-of-way for Mark Road.~~
   ~~C~~B. Location of access on Valencia and Mark Roads shall require approval of the Department of Transportation.
~~8~~7. Flood Control conditions:
   A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
   B. Submittal of a complete hydraulic and hydrologic drainage report to the Department of Transportation and the Flood Control District.

C. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property, including but not limited to, detention and all weather access. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District. In addition to providing these improvements at no cost to the County, the owner(s) may be required to contribute funds for improvements to be constructed by the County.

D. A Final Integrated Water Management Plan shall be submitted to the Flood Control District for review and approval at the time of development that identifies water conservation measures consistent with the Pima County Comprehensive Plan Water Element and Rezoning Site Analysis Requirements.

~~9~~8. Wastewater ~~Management~~ Reclamation conditions:

A. The owner / developer 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. The owner / developer acknowledges treatment and conveyance capacity may not be available when development of the property is desired and shall construe no action by Pima County as a commitment of capacity to serve the rezoning area until Pima County executes an agreement with the owner / developer to that effect.

B. The owner / developer 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 that owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his/her sole expense or cooperatively with others affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

C. The owner / developer shall sewer the rezoning area as directed below:

1. The rezoning area may be sewered using private gravity sewers within private streets flowing to a private sewage pumping station that discharges to existing public sewer line, G-90-049, via a private force main, only if authorized by the Pima County Regional Wastewater Reclamation Department in their written documentation that treatment and conveyance capacity for the proposed development is available.

2. The rezoning area may be sewered using public sewers, if and only if the owner / developer meets all of the following conditions:

a. The on-site and off-site public sewers shall operate by gravity flow alone. No sewage pumping stations may be used.

b. The owner / developer shall enter into a sewer service agreement with Pima County that specifies the necessary improvements to be made to Pima County's public sewerage system and their timing. This sewer service agreement may require the owner / developer to fund, design and construct an oversized off-site extension of the Valencia Road Trunk Sewer in Valencia Road right-of-way, either at his/her sole expense or cooperatively with other owners in the area, and/or to augment a portion of the existing Valencia Road trunk line.

c. The owner / developer shall obtain any necessary off-site sewer easements across the adjacent properties at his/her own expense.

d. The owner / developer shall provide an appropriately wide common area on the east side of the proposed development to accommodate future flow-through from the properties to the east currently being served by individual on-site wastewater disposal (septic) systems.

D. The owner / developer 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 the required sewer service agreement, the required 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.

E. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and agreements, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.

~~10~~9. Environmental Quality conditions:

A. The owner(s) shall conduct sufficient soil sampling and analysis on the subject parcels, and submit the results to Pima County Department of Environmental Quality (PDEQ), to demonstrate that the Arizona Department of Environmental Quality (ADEQ) Residential Soil Remediation levels for the 13 Environmental Protection Agency Priority Metals are not exceeded.

B. If the soil report shows that the site exceeds the maximum levels for the priority metals, building permits shall not be issued until such time that the site and the Saginaw Hill site have been remediated. Soil sampling and analysis shall be submitted to PDEQ demonstrating that the site meets ADEQ requirements and documentation provided showing that the Saginaw Hill site no longer poses a risk to the subject property.

C. The properties shall be served by either public or private sewers.

~~11~~10. Environmental Planning conditions:

~~A.~~ Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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.

~~B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.~~

~~**Invasive Non-Native Plant Species Subject to Control:**~~

~~Ailanthus altissima~~	~~Tree of Heaven~~
~~Alhagi pseudalhagi~~	~~Camelthorn~~
~~Arundo donax~~	~~Giant reed~~
~~Brassica tournefortii~~	~~Sahara mustard~~
~~Bromus rubens~~	~~Red brome~~
~~Bromus tectorum~~	~~Cheatgrass~~
~~Centaurea melitensis~~	~~Malta starthistle~~
~~Centaurea solstitalis~~	~~Yellow starthistle~~
~~Cortaderia spp.~~	~~Pampas grass~~

~~Cynodon dactylon~~	~~Bermuda grass (excluding sod hybrid)~~
~~Digitaria spp.~~	~~Crabgrass~~
~~Elaeagnus angustifolia~~	~~Russian olive~~
~~Eragrostis spp.~~	~~Lovegrass (excluding E. intermedia, plains lovegrass)~~
~~Melinis repens~~	~~Natal grass~~
~~Mesembryanthemum spp.~~	~~Iceplant~~
~~Peganum harmala~~	~~African rue~~
~~Pennisetum ciliare~~	~~Buffelgrass~~
~~Pennisetum setaceum~~	~~Fountain grass~~
~~Rhus lancea~~	~~African sumac~~
~~Salsola spp.~~	~~Russian thistle~~
~~Schismus arabicus~~	~~Arabian grass~~
~~Schismus barbatus~~	~~Mediterranean grass~~
~~Sorghum halepense~~	~~Johnson grass~~
~~Tamarix spp.~~	~~Tamarisk~~

~~12~~11. Natural Resources, Parks and Recreation conditions:
   A. View walls shall be constructed on north and west perimeter lots that are adjacent to open space.
   B. Trails are permitted in the open space located in the northern half on the property, neighboring Saginaw Hill.

~~13~~12. Cultural Resources condition:
The final recovery report shall be approved by Pima County Cultural Resources Office prior to tentative plat approval or any disturbance to the site.

~~14~~13. All bufferyards mandated by Chapter 18.73 of the Pima County Zoning Code shall be located within common areas.

~~15~~14. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B"). A minimum of 200 residential lots shall be platted in the CR-4 portion of the rezoning.

~~16~~15. Development plans shall be submitted for review to the Design Review Committee.

~~17~~16. Public disclosure of potential noise pollution related to the casino shall be made available to potential buyers.

~~18~~17. In the event the subject property is annexed, the owner(s)/developer(s) 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.

~~19~~18. The property owner(s)/developer(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

~~20. The property owner(s) / developers(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.~~

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller to close the public hearing and approve the five-year time extension for Co9-04-17, subject to original and modified standard and special conditions.

Rezoning Time Extension Approval (5-Years)
Co9-04-17 BOS Minutes 7-12-11

Sherry Daniels, Health Department Director, reported the State had established an additional surcharge for the use of their automation system effective July 1, 2011, for a total of $5.00 per certificate issued. She said this increase made it necessary for the Health Department to increase its fee schedule to be consistent with the Arizona State Office of Vital Records, other County Registrars and to prevent the department from requiring increased General Fund support.

Supervisor Bronson stated this was another instance of the State passing off costs to Counties, and that the Board had no alternative but to approve the fee increase.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias and unanimously carried by a 5-0 vote, to adopt Ordinance No. 2011 - 43.

33. **RECORDER: Fee Schedule**

ORDINANCE NO. 2011- 44, of the Pima County Board of Supervisors, establishing fees for election related services, voter registration data and recorded document services provided by the Pima County Recorder.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias and unanimously carried by a 5-0 vote, to adopt Ordinance No. 2011 - 44.

34. **DEVELOPMENT SERVICES: Rezoning Time Extension**

The Board of Supervisors' on April 19 and June 7, 2011, continued the following:

Co9-04-17, LEE PLAZA, L.L.C. - VALENCIA ROAD REZONING
Request of Mark Road L.L.C., represented by Presidio Engineering, Inc., for a five year time extension for a rezoning of approximately 44.2 acres from GR-1 (Rural Residential) to CR-4 (Mixed Dwelling Type Zone) and approximately 51.2 acres from GR-1 to GR-1 ® (Restricted), on property located on the west side of Mark Road, approximately 600 feet north of Valencia Road. The subject property as rezoned in March 2006 and expired in March 2011. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. Staff recommends APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

"IF THE DECISION IS MADE TO APPROVE THE TIME EXTENSION, THE FOLLOWING MODIFIED STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of requirements by March 21, 2016

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

4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.
7. Transportation conditions:
   A. ~~A Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system.~~ The ~~property~~ owner~~(s)~~ / developer shall provide ~~be responsible for construction of~~ offsite improvements as ~~required~~ determined necessary by the Department of Transportation~~ to meet concurrency requirements~~.
   B. The ~~property~~ owner~~(s)~~ / developer shall dedicate 30 feet right-of-way for Mark Road.
   C. Location of access on Valencia and Mark Roads shall require approval of the Department of Transportation. ~~Minimum driveway spacing, corner clearance and local street design of the Subdivision Street Standards (approval by Board of Supervisors in March or April, 2005) shall be adhered to when the tentative plat is submitted.~~
8. Flood Control conditions:
   A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
   B. Submittal of a complete hydraulic and hydrologic drainage report to the Department of Transportation and Flood Control.
   C. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on site and off site of the subject property, including but not limited to, detention and all weather access. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District. In addition to providing these improvements at no cost to the County, the owner(s) may be required to contribute funds for improvements to be constructed by the County.
9. Wastewater Management conditions:
   A. The owner~~(s)~~ / developer 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. The owner~~(s)~~ / developer acknowledges treatment and conveyance capacity may not be available when development of the property is desired and shall construe no action by Pima County as a commitment of capacity to serve the rezoning area until Pima County executes an agreement with the owner~~(s)~~ / developer to that effect.
   B. The owner~~(s)~~ / developer shall obtain written documentation from the Pima County Regional Wastewater ~~Management~~ Reclamation Department that treatment and conveyance capacity ~~for the proposed development~~ 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 ~~the proposed~~ that time ~~of development~~, the owner~~(s)~~ / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his/her sole expense or cooperatively with others affected parties. ~~and the Pima County Wastewater Management Department~~ All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
   C. The owner~~(s)~~ / developer shall sewer the rezoning area as directed below:
      1. The rezoning area may be sewered using private gravity sewers within private streets flowing to a private sewage pumping station that discharges

to existing public sewer line, G-90-049, via a private force main, only if authorized by the Pima County Regional Wastewater ~~Management~~ Reclamation Department in their written documentation that treatment and conveyance capacity for the proposed development is available.

2. The rezoning area may be sewered using public sewers, if and only if the owner~~(s)~~ / developer meets all of the following conditions:
   a. The on-site and off-site public sewers shall operate by gravity flow alone. No sewage pumping stations may be used.
   ~~b. Within one year of the rezoning, the owner(s) shall prepare a study of the sewer basin at his or her sole expense or cooperatively with other owner(s) in the area for the purposes of determining the routing and sizing of all off-site and on-site public sewers necessary to provide both capacity and service to the rezoning area and any tributary properties upstream or downstream of the rezoning area. (This requirement may be waived by the Pima County Wastewater Management Department if it determines that an acceptable study of the sewer basin has been recently completed.) The sewer basin study shall be approved by the Pima County Wastewater Management Department before the owner(s) may submit any tentative plat, development plan, sewer construction plan, or request for building permit showing a connection to Pima County's public sewer system for review.~~
   ~~c~~b. ~~Within six months of the Pima County Wastewater Management Department's approval of the sewer basin study, t~~The owner~~(s)~~ / developer shall enter into a sewer service agreement with Pima County that specifies the necessary improvements to be made to Pima County's public sewerage system and their timing. This sewer service agreement may require the owner~~(s)~~ / developer to fund, design and construct an oversized off-site extension of the Valencia Road Trunk Sewer in Valencia Road right-of-way, either at his/her sole expense or cooperatively with other owners in the area, and/or to augment a portion of the existing Valencia Road trunk line.
   ~~d~~c. The owner~~(s)~~ / developer shall obtain any necessary off-site sewer easements across the adjacent properties at his/her own expense.
   ~~e~~d. The owner~~(s)~~ / developer shall provide an appropriately wide common area on the east side of the proposed development to accommodate future flow-through from the properties to the east currently being served by individual on-site wastewater disposal (septic) system.

D. The owner~~(s)~~ / developer 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 ~~Management~~ Reclamation Department in the required sewer service agreement, the required 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.

E. The owner~~(s)~~ / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and agreements, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.

10. Environmental Quality conditions:
   A. The owner(s) shall conduct sufficient soil sampling and analysis on the subject parcels, and submit the results to Pima County Department of Environmental Quality (PDEQ), to demonstrate that the Arizona Department of Environmental

Quality (ADEQ) Residential Soil Remediation levels for the 13 Environmental Protection Agency Priority Metals are not exceeded.

B. If the soil report shows that the site exceeds the maximum levels for the priority metals, building permits shall not be issued until such time that the site and the Saginaw Hill site have been remediated. Soil sampling and analysis shall be submitted to PDEQ demonstrating that the site meets ADEQ requirements and documentation provided showing that the Saginaw Hill site no longer poses a risk to the subject property.

C. The properties shall be served by either public or private sewers.

11. Environmental Planning conditions:

~~A. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Results of these surveys and copies of any data collected shall be provided to Development Services.~~

~~B. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If Pima pineapple cacti are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.~~

~~C. Within common areas, plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~

~~Fountain grass (Pennisetum setaceum)~~
~~Buffelgrass (Pennisetum ciliare)~~
~~Johnson grass (Sorghum halapense)~~
~~Giant reed (Arundo donax)~~
~~Common crabgrass (Digitaria sanguinalis)~~
~~Pampas grass (Cortaderia selloana)~~
~~Red brome (Bromus rubens)~~
~~Mediterranean grass (Schismus spp.)~~
~~Tree of heaven (Ailanthus altissima)~~
~~African sumac (Rhus lancea)~~
~~Russian olive (Eleagnus angustifolia)~~
~~Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)~~
~~Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda~~
~~Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)~~
~~African rue (Peganum harmala)~~
~~Iceplant (Mesembryanthemem crystallinum)~~
~~Arabian Grass (Schisums arabicus)~~
~~Natal Grass (Melinis repens (=Rhynchelythrum repens)~~

A. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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.

B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.

Invasive Non-Native Plant Species Subject to Control:

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

12. Natural Resources, Parks and Recreation conditions:
    A. View walls shall be constructed on north and west perimeter lots that are adjacent to open space.
    B. Trails are permitted in the open space located in the northern half on the property, neighboring Saginaw Hill.
13. Cultural Resources condition:
    The final recovery report shall be approved by Pima County Cultural Resources Office prior to tentative plat approval or any disturbance to the site.
14. All bufferyards mandated by Chapter 18.73 of the Pima County Zoning Code shall be located within common areas.
15. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B").
16. Development plans shall be submitted for review to the Design Review Committee.
17. Public disclosure of potential noise pollution related to the casino shall be made available to potential buyers.

~~18. No more than 50 homes shall be constructed until transportation capacity improvements are made.~~

18. In the event the subject property is annexed, the owner(s)/developer(s) 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.
19. The property owner(s)/developer(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private

Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

20. The property owner(s) / developers(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.

Arlan Colton, Planning Director, presented the staff report and said this case had been continued to allow time to resolve the issue of whether the Tucson Water Department would make an exception and supply water to this property. He explained the Tucson Water Appeal Board had made the decision not to make that exception, but there was a committee working on modifications within the obligated service area and staff felt there was still a possibility of the exception being granted.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning time extension subject to modified standard and special conditions.

35. **DEVELOPMENT SERVICES: Conditional Use Permit**

P21-11-007, NORTHWEST FIRE DISTRICT – W. EL CAMINO DEL CERRO
Request of Northwest Fire District, represented by FM Group, on property located at 4151 W. El Camino del Cerro, in the CR-1 Zone, for a Conditional Use Permit for a communication tower (proposed 11 foot 2 inch increase in height of communication tower). Chapter 18.97, in accordance with Section 18.07.030H.2.e of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the CR-1 Zone. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Cook, Cox-Golder, Spendiarian and Steinbrenner were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

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

Standard Conditions

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new communications tower shall have a height of no more than seventy-five feet (75').
2. The new pole structure and new panel antennae shall match the color of the existing monopole tower.

Original Rezoning Approval Co9-04-17
BOS Minutes 3-21-06

RESOLUTION NO. 2006- 60 , Co7-05-15, Pima County - Canoa Ranch No. 3 Plan Amendment. Owners: Lawyers Title of Arizona, Trust No. 7789T and Fairfield Homes. (Districts 3 and 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll, and unanimously carried by a five to zero vote, to close the unadvertised hearing and to pass and adopt Resolution No. 2006- 60 .

15. **DEVELOPMENT SERVICES: REZONING**

Co9-04-17, LEE PLAZA LC — VALENCIA ROAD REZONING
Request of Lee Plaza LC, represented by Gordon Stone of Stantec, for a rezoning of approximately 95.4 acres, from GR-1 (Rural Residential) to approximately 44.2 acres of CR-4 (Mixed Dwelling Type Zone) and approximately 51.2 acres to GR-1(R) (Rural Residential-Restricted), on property located approximately 600 feet north of Valencia Road and west of and adjacent to Mark Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Cuyugan was absent) to recommend **APPROVAL WITH CONDITIONS.** Staff recommends **APPROVAL WITH CONDITIONS** and standard and special requirements. (District 3)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS 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. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
   A. Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements,

and phasing of said improvements, to the area roadway system. The property owner(s) shall be responsible for construction of improvements as required by the Department of Transportation to meet concurrency requirements.

B. The property owner shall dedicate 30 feet right-of-way for Mark Road.

C. Location of access on Valencia Road and Mark Road shall require approval of the Department of Transportation. Minimum driveway spacing, corner clearance and local street design of the Subdivision Street Standards (approval by Board of Supervisors in March or April, 2005) shall be adhered to when the tentative plat is submitted.

8. Flood Control conditions:

A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

B. Submittal of a complete hydraulic and hydrologic drainage report to the Department of Transportation and Flood Control.

C. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property, including but not limited to, detention and all weather access. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District. In addition to providing these improvements at no cost to the County, the applicant may be required to contribute funds for improvements to be constructed by the County.

9. Wastewater Management conditions:

A. The owner/developer shall time all development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. The owner/developer acknowledges treatment and conveyance capacity may not be available when development of the property is desired and shall construe no action by Pima County as a commitment of capacity to serve the rezoning area until Pima County executes an agreement with owner/developer to that effect.

B. The owner/developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed development is available, 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 the proposed time of development, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system cooperatively with others and the Pima County Wastewater Management Department.

C. The owner/developer shall sewer the rezoning area as directed below:

1) The rezoning area may be sewered using private gravity sewers within private streets flowing to a private sewage pumping station that discharges to existing public sewer line, G-90-049, via a private force main, only if authorized by the Pima County Wastewater Management Department in their written documentation that treatment and conveyance capacity for the proposed development is available.

2) The rezoning area may be sewered using public sewers, if and only if the owner/developer meets all of the following conditions:

a. The on-site and off-site public sewers shall operate by gravity flow alone. No sewage pumping stations may be used.

b. Within one year of the rezoning, the owner/developer shall prepare a study of the sewer basin at his or her sole expense or cooperatively with other owners/developers in the area for the purposes of determining the routing and sizing of all off-site and on-site public sewers necessary to provide both capacity and service to the rezoning area and any tributary properties upstream or downstream of the rezoning area. (This requirement may be waived by the Pima County Wastewater Management Department if it determines that an acceptable study of the sewer basin has been recently completed.) The sewer basin study shall be approved by the Pima County Wastewater Management Department before the owner/developer may submit any tentative plat, development plan, sewer construction plan, or request for building permit showing a connection to Pima County's public sewer system for review.

c. Within six months of the Pima County Wastewater Management Department's approval of the sewer basin study, the owner/developer shall enter into a sewer service agreement with Pima County that specifies the necessary improvements to be made to Pima County's public sewerage system and their timing. This sewer service agreement may require the owner/developer to fund, design and construct an oversized off-site extension of the Valencia Road Trunk Sewer in Valencia Road right-of-way, either at his or her sole expense or cooperatively with other owners/developers in the area, and/or to augment a portion of the existing Valencia Road trunk line.

d. The owner/developer shall obtain any necessary off-site sewer easements across the adjacent properties at his or her own expense.

e. The owner/developer shall provide an appropriately wide common area on the east side of the proposed development to accommodate future flow-through from the properties to the east currently being served by individual on site wastewater disposal (septic) system.

D. The owner/developer 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 Wastewater Management Department in the required sewer service agreement, the required 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.

E. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and agreements, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.

10. Environmental Quality conditions:

A. The owner/developer shall conduct sufficient soil sampling and analysis on the subject parcels, and submit the results to Pima County Department of Environmental Quality (PDEQ), to demonstrate that the Arizona Department of Environmental Quality (ADEQ) Residential Soil Remediation levels for the 13 Environmental Protection Agency Priority Metals are not exceeded.

B. If the soil report shows that the site exceeds the maximum levels for the priority metals, building permits shall not be issued until such time that the site and the Saginaw Hill site have been remediated. Soil sampling and analysis shall be submitted to PDEQ demonstrating that the site meets ADEQ requirements and documentation provided showing that the Saginaw Hill site no longer poses a risk to the subject property.

11. Environmental Planning conditions:

A. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Results of these surveys and copies of any data collected shall be provided to Development Services.

B. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service, which indicates a site survey is not necessary, the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If Pima pineapple cactus are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.

C. Within common areas, plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:
Fountain grass (Pennisetum setaceum)
Buffelgrass (Pennisetum ciliare)
Johnson grass (Sorghum halapense)
Giant reed (Arundo donax)
Common crabgrass (Digitaria sanguinalis)
Pampas grass (Cortaderia selloana)
Red brome (Bromus rubens)
Mediterranean grass (Schismus spp.)
Tree of heaven (Ailanthus altissima)
African sumac (Rhus lancea)
Russian olive (Eleagnus angustifolia)
Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)
Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda
Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)
African rue (Peganum harmala)
Iceplant (Mesembryanthemem crystallinum)
Arabian Grass (Schismus arabicus)
Natal Grass (Melinis repens (=Rhynchelythrum repens))

12. Natural Resources, Parks and Recreation conditions:

A. View walls shall be constructed on north and west perimeter lots that are adjacent to open space.

B. Trails are permitted in the open space located in the northern half on the property, neighboring Saginaw Hill.

13. Cultural Resources conditions:
The final recovery report shall be approved by Pima County Cultural Resources Office prior to tentative plat approval or any disturbance to the site.

14. All bufferyards mandated by Chapter 18.73 of the Pima County Zoning Code shall be located within common areas.
15. Adherence to the preliminary development plan as approved at public hearing."

Gordon Stone, of Stantec representing the applicant, stated the northern property of the project site would be dedicated to Pima County for a future regional park site that would include BLM (Bureau of Land Management) property. The proposed project would have very low density at 2.2 residences per acre and the main access would be off of Valencia Road. The access would also serve as the park site entrance with a secondary entrance off Mark Road.

Supervisor Bronson asked how far away was the proposed residential area from Casino del Sol?

Mr. Stone responded the residential area would be in very close proximity to the casino because the entrance to AVA Amphitheater would be utilized as the entrance to the proposed residential area.

Supervisor Bronson stated Board members have received numerous complaints concerning noise when the casino holds events at the amphitheater. She asked whether disclosure regarding noise would be part of the sale of the lots and homes?

Jason Wong, applicant, stated the Arizona Public Report contained a section pertaining to undue noise and that disclosure would be provided to potential buyers.

Supervisor Bronson asked whether the developer would agree to submit their plans to the Design Review Committee (DRC)?

Mr. Stone responded that would be acceptable.

Chuck Huckelberry, County Administrator, stated this property was adjacent to Saginaw Hill and a previous rezoning had conditions of approval that dealt with the issue of potential contamination that required testing. He suggested that same condition be included as part of the approval of this rezoning.

Mr. Stone responded that condition was contained in the rezoning conditions as Condition No. 10 which was acceptable to the applicant.

Kurt Weinrich, Transportation and Flood Control Director, stated concurrency for the segment of Valencia Road from Mark Road would be attained with the currently scheduled bond project currently in design.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day, to close the public hearing and approve Co9-04-17 subject to conditions and standard and special requirements as recommended by staff and to include the following conditions:

1. Development plans are to be submitted for review to the Design Review Committee.
2. Public disclosure of potential noise pollution related to the casino was to be made available to potential buyers.
3. Occupancy would be dependent upon transportation concurrency or improvements to Valencia Road as scheduled.

Mr. Stone asked whether there was an anticipated completion timeframe for the Valencia Road improvements?

Mr. Weinrich stated the roadway improvement project would go out to bid for construction later this year and would take approximately one year to complete. However, capacity improvements usually take place at the midway to two-thirds point of the construction period so additional lanes would be open to traffic while other work continued.

Mr. Wong stated he was willing to work with the County, but he said those 200 homes do not come on line instantly. He stated he did not want to be stalled in his project while the roadway improvements were being done.

Mr. Huckelberry suggested a threshold of 50 homes to allow development to begin.

Supervisor Bronson as the maker of the motion, and Supervisor Day as the seconder, amended Condition No. 3 to state that no more than 50 homes are to be constructed until capacity improvements are made. Upon the vote being taken, the amended motion carried unanimously by a five to zero vote.

16. **DEVELOPMENT SERVICES: REZONING**

Co9-05-10, KLINGLER TR - ORACLE ROAD REZONING
Request of Claire and Larry Klingler, represented by Planning Resources, for a rezoning of approximately 3.18 acres, from GR-1 (GR1) (Rural Residential) (Urban Gateway