

#### **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: 3/7/2023

\*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

#### \*Title:

P22CR00002 CARDENAS - E. OCOTILLO HILL ROAD PLAN AMENDMENT AND REZONING

#### \*Introduction/Background:

The applicant requests a 4.13-acre concurrent plan amendment and rezoning from Low Intensity Rural (LIR) to Medium Intensity Rural (MIR) and from RH (Rural Homestead) to GR-1 (Rural Residential) zoning, located on the south side of E. Ocotillo Hill Road, approximately one mile east of S. Swan Road, for a second manufactured home on the property.

#### \*Discussion:

The proposed second manufactured home will be used for a family member and the parcel will not be split.

#### \*Conclusion:

The concurrent plan amendment and rezoning conform to the Comprehensive Plan and the Pima County Zoning Code.

#### \*Recommendation:

Staff and the Planning and Zoning Commission recommend MODIFIED PLAN AMENDMENT APPROVAL subject to a rezoning policy and REZONING APPROVAL subject to standard and special conditions.

#### \*Fiscal Impact:

0

#### \*Board of Supervisor District:

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Department: Development Services - Planning	Telephone: 520-724-8800	
Contact: Tom Drzazgowski, Chief Zoning Inspector	Telephone: 520-724-6675	
Department Director Signature:	3 For	Date:
Deputy County Administrator Signature:		Date: <u>2/14/2023</u>
County Administrator Signature:	ur	Date: 215 2023



TO:

Honorable Dr. Matt Heinz, Supervisor, District 2

FROM:

Chris Poirier, Deputy Director

Public Works-Development Services Department-Planning Division

DATE:

February 14, 2023

SUBJECT:

P22CR00002 CARDENAS - E. OCOTILLO HILL ROAD PLAN AMENDMENT

**AND REZONING** 

The above referenced Concurrent Plan Amendment and Rezoning is within your district and scheduled for the Board of Supervisors' **TUESDAY**, **MARCH 7**, **2023** hearing.

**REQUEST:** 

For a **Concurrent Plan Amendment and Rezoning** to amend the Comprehensive Plan from Low Intensity Rural (LIR) to Medium Intensity Rural (MIR) and to rezone from RH (Rural Homestead) to GR-1 (Rural Residential) zone on approximately 4.13 acres. The site is located on the south side of E. Ocotillo Hill Road, approximately one mile east of S. Swan Road, addressed as **5450 E. Ocotillo Hill Road**, in Section 11, Township 16 South, Range 14 East, in the Southeast Planning Area.

(District 2)

OWNER:

Alberto Cardenas

5450 E. Ocotillo Hill Road

Tucson, AZ 85756

AGENT:

Natalie Pacheco, US Mobile Home Transport

5575 S. Masterson Ave. Unit 14

Tucson, AZ 85706

DISTRICT: 2

STAFF CONTACT: Mark Holden, AICP, Principal Planner

PUBLIC COMMENT TO DATE: As of February 14, 2023, no comments have been received.

PLANNING AND ZONING COMMISSION RECOMMENDATION: MODIFIED APPROVAL OF PLAN AMENDMENT AND REZONING APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 8 – 0 (Commissioners Membrila and Tronsdal were absent)

STAFF RECOMMENDATION: MODIFIED APPROVAL OF PLAN AMENDMENT AND REZONING APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

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

TD/MH/ds Attachments



#### **BOARD OF SUPERVISORS MEMORANDUM**

SUBJECT: P22CR00002

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#### FOR TUESDAY, MARCH 7, 2023 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Deputy Director Ton Orange Sci Public Works-Development Services Department-Planning Division

DATE:

February 14, 2023

#### ADVERTISED ITEM FOR PUBLIC HEARING

#### CONCURRENT PLAN AMENDMENT AND REZONING

#### P22CR00002 CARDENAS - E. OCOTILLO HILL ROAD PLAN AMENDMENT AND REZONING

Alberto Cardenas, represented by Natalie Pacheco, requests a concurrent plan amendment and rezoning to amend the Comprehensive Plan from Low Intensity Rural (LIR) to Medium Intensity Rural (MIR) and to rezone from RH (Rural Homestead) to GR-1 (Rural Residential) zone on approximately 4.13 acres. The site is located on the south side of E. Ocotillo Hill Road, approximately one mile east of S. Swan Road, addressed as 5450 E. Ocotillo Hill Road, in Section 11, Township 16 South, Range 14 East, in the Southeast Planning Area. On motion, the Planning and Zoning Commission voted to recommend MODIFIED APPROVAL OF PLAN AMENDMENT AND REZONING APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 8 - 0 (Commissioners Membrila and Tronsdal were absent). Staff recommends MODIFIED APPROVAL OF PLAN AMENDMENT AND REZONING APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

(District 2)

#### Planning and Zoning Commission Public Hearing Summary (January 11, 2023)

The public hearing was held virtually. The commissioners, staff, and the applicant attended and presented virtually or telephonically.

Staff presented information from the staff report to the commission with a recommendation of modified plan amendment approval and rezoning approval subject to standard and special conditions.

The applicant presented additional information stating that the property owner is requesting a second manufactured home on the property.

P22CR00002 Page 2 of 3

A commissioner asked about the use of the second dwelling; the applicant responded that it will be for a family member. The commissioner followed up to ask if the applicant was in agreement with staff's modification of the request; the applicant answered in the affirmative.

The public hearing was opened; there were no speakers and the public hearing was closed.

A number of commissioners commented they were in agreement with the modified plan amendment to maintain the current land use designation and noted there was no neighbor opposition.

Commissioner Cook made a motion to recommend MODIFIED APPROVAL OF PLAN AMENDMENT AND REZONING APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS; Commissioner Gungle gave second.

The commission voted to recommend **MODIFIED APPROVAL OF PLAN AMENDMENT AND REZONING APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** 8 - 0 (Commissioners Membrila and Tronsdal were absent) subject to the following conditions:

# <u>IF THE DECISION IS MADE TO APPROVE THE COMPREHENSIVE PLAN AMENDMENT, THE FOLLOWING REZONING POLICY SHOULD BE CONSIDERED:</u>

1. Notwithstanding the objectives and residential density allowed under the Low Intensity Rural (LIR) comprehensive plan land use designation, a rezoning to the GR-1 (Rural Residential) zone for one (1) additional dwelling only, shall be deemed in conformance with the comprehensive plan.

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

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

- 1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
- 2. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
- 3. Cultural Resources condition: In the event that ancestral remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are encountered during construction, all ground disturbing activities must cease within 50 feet of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the encounter or disturbance of the remains at (520) 626-0320 so that appropriate arrangements can be made for the repatriation and reburial by cultural groups who claim cultural or religious affinity to them. The ancestral remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 4. Adherence to the sketch plan as approved at public hearing. Owner shall be permitted one (1) additional dwelling on the property only, for a total of two (2) dwellings.

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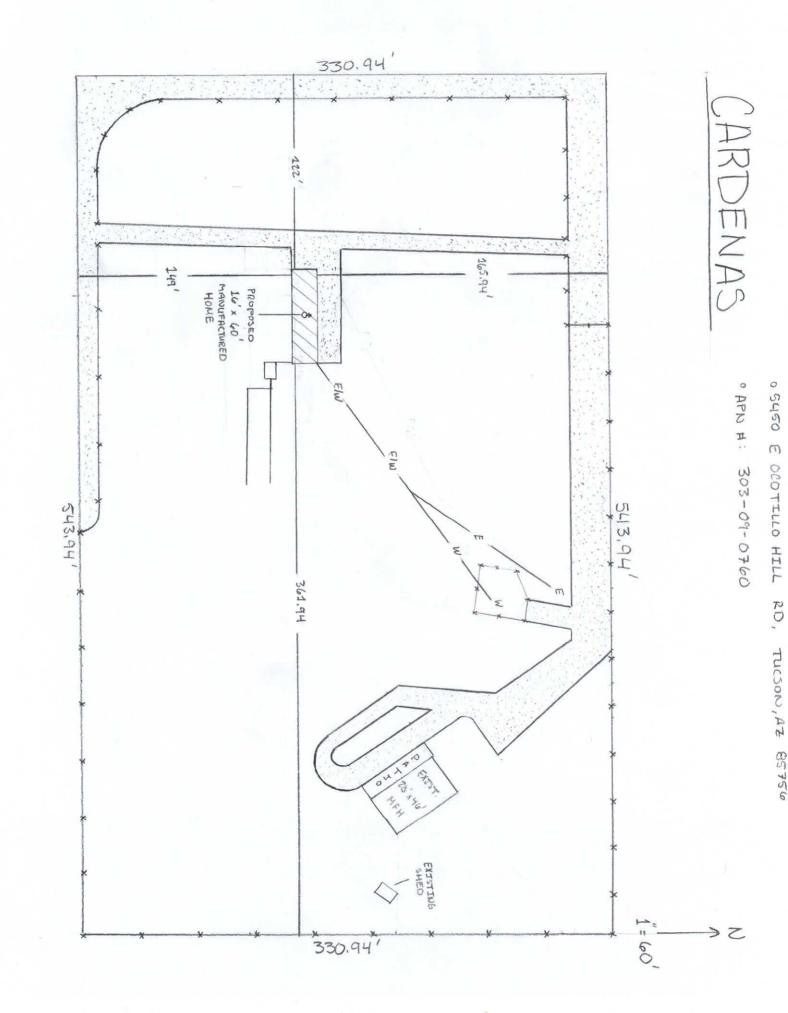
5. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.

- 6. Tucson Airport Authority conditions:
  - a. An Avigation Easement must be executed and recorded with the Pima County Recorder's Office by the property owner or person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
  - b. The property owner must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided. Signed Airport Disclosure Statement and copy of recorded Avigation Easement (rezoning condition 5a, above) shall be submitted to:

Planning Manager Tucson Airport Authority 7250 S Tucson Boulevard, Suite 300 Tucson, AZ 85756

- c. The property owner must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for each proposed project unless the FAA staff, with the Obstruction Evaluation/Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns identified by the FAA. Note that any cranes proposed to be used onsite must also be identified on Form 7460. Please file FAA Form 7460 here: <a href="https://oeaaa.faa.gov/oeaaa/external/portal.jsp">https://oeaaa.faa.gov/oeaaa/external/portal.jsp</a> and select the option: 'If construction of alternation IS NOT LOCATED on an airport.'
- 7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- 8. The property owner shall execute the following disclaimer regarding Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

TD/MH/ds Attachments



Case #: P22CR00002

Case Name: CARDENAS - E.OCOTILLO HILL ROAD PLAN AMENDMENT AND REZONING

Tax Code(s): 303-09-0760

#### **AERIAL EXHIBIT**



0 220 440 880 Feet

# PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION Notes: Map Scale: 1:6,000 Map Date: 10/27/2022 - ds



# CONCURRENT PLAN AMENDMENT AND REZONING

# PLANNING AND ZONING COMMISSION STAFF REPORT

HEARING DATE	January 11, 2023
CASES	P22CR00002 CARDENAS – E. OCOTILLO HILL ROAD CONCURRENT PLAN AMENDMENT/REZONING
PLANNING AREA	Southeast
DISTRICT	2
LOCATION	The site is located on the south side of E. Ocotillo Hill Road, approximately one mile east of S. Swan Road
ACREAGE	4.13 acres (+/-)
REQUEST	To amend the Pima County Comprehensive Plan from Low Intensity Rural (LIR) to Medium Intensity Rural (MIR) and to rezone from RH (Rural Homestead) to GR-1 (Rural Residential)
OWNER	Alberto Cardenas
AGENT	Natalie Pacheco, US Mobile Home Transport Inc.

#### **APPLICANT'S REQUEST**

The applicant is requesting a concurrent comprehensive plan amendment and rezoning for a 4.13-acre property located on the south side of E. Ocotillo Hill, approximately one mile east of S. Swan Road, for one (1) additional manufactured dwelling on the property.

#### STAFF REPORT SUMMARY

Staff recommends **MODIFIED APPROVAL** of the comprehensive plan amendment for a rezoning policy to allow a rezoning to GR-1 (Rural Residential) under the Low Intensity Rural (LIR) land use designation to allow one (1) additional dwelling only; and, **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** for a rezoning to GR-1 from RH (Rural Homestead). The proposed use is compatible with and should have minimal impacts on surrounding rural residential properties.

#### **PUBLIC COMMENT**

As of December 27, 2022, no public comment has been received.

Published and mailed notice of the proposal along with the website posting of staff's report will occur a minimum of fifteen days prior to public hearing. The website will be updated to include public comment throughout the process to the Planning and Zoning Commission and the Board of Supervisors.

#### **COMPREHENSIVE PLAN**

The current land use designation is LIR, for residential uses at densities consistent with rural and resource-based characteristics. LIR has a maximum residential density of 0.3 residences per acre (RAC).

The requested Medium Intensity Rural (MIR) designation is for residential uses at densities consistent with rural settlements in proximity to Rural Crossroads designated areas, arterials or suburban areas, at a maximum density of 1.2 RAC.

Special Area Policy S-18E, Lee Moore Wash Basin, applies to the subject site. The policy states development shall be regulated per the Lee Moore Wash Basin Management Study which provides consistency between land uses, identifies permanent natural flow corridors, and establishes development criteria. The policy adopts the entire study by reference, which was approved by the Board of Supervisors in June 2010.

#### SURROUNDING LAND USE AND ZONING DESIGNATIONS

North	LIR/RH	Low-density unsubdivided rural residential development
South	LIR/RH	Low-density unsubdivided rural residential development
West	LIR/RH	Low-density unsubdivided rural residential development
East	PDC/Specific Plan	Undeveloped Swan Southlands (Verano) Specific Plan area

The subject property is within a roughly one-square-mile area characterized by low-density rural residential development, located about 13 miles south of central Tucson. The Verano Specific Plan, an approximately 3000-acre area, surrounds the square-mile rural area on the south, east and west sides. The southern portion of Verano is under development with utility scale solar energy farms and the land use intensity in the specific plan area and adjacent to the subject site could continue to increase over time. Federal and state prisons are located about two miles to the north on S. Wilmot Road and Tucson International Airport is about five miles to the northwest. Areas outside the Verano Specific Plan are undeveloped Arizona State Trust Lands within the jurisdiction of the City of Tucson.

# PREVIOUS COMPREHENSIVE PLAN AMENDMENT AND REZONING CASES ON THE PROPERTY AND THE GENERAL AREA

#### Previous land use plan amendment and rezoning requests:

The subject property has had no previous rezonings, but was part of a larger 320-acre amendment to up-plan the region to the Heavy Industrial (HI) designation (Co7-04-015), which was denied. The Verano Specific Plan (Co23-04-001) was approved in 2005 and amended in 2010.

#### Recent activity:

There has been no recent rezoning or plan amendment activity in the region.

#### MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)

The subject site is located outside the Maeveen Marie Behan Conservation Lands System.

#### **PLANNING REPORT**

The subject property is mostly flat, with a very gradual slope to the west and an approximate elevation of 2,800 feet above sea level. The site has a single manufactured dwelling and a minor amount of grading and clearing. The site appears to be mainly vegetated with shrubs (creosote bush, leguminous trees) and cacti; it is also outside the range for desert ironwood and there appear to be no saguaro cactus. The site is within the Sonoran Desert Conservation Plan Priority Conservation Area for the Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*), a species listed as Endangered under the Endangered Species Act.

A residential concurrent plan amendment/rezoning for one additional residence is allowed when at least 5% of the subject site perimeter abuts properties with zoning or land use designation of equal or greater density than that being requested. Approximately 320 feet of the eastern subject site boundary abuts the Verano Specific Plan site, which is about 18% of the entire site perimeter.

Staff supports the plan amendment and rezoning request for one additional residence on the property. Rather than amending the land use designation on the property to MIR, staff recommends maintaining the LIR designation on the site, with a rezoning policy to allow rezoning to GR-1 under the existing land use designation for one (1) additional residence only. This maintains the low intensity rural nature of the area, and would preclude later rezoning to other higher-density rural zones allowed under MIR.

Staff also recommends approval of the rezoning to GR-1 subject to standard and special conditions. GR-1 zoning is needed for an additional manufactured dwelling on the property, as other zones of similar density (SR, SR-2, CR-1) require site-built dwellings. A single dwelling is currently permitted under the existing RH zoning; under GR-1 zoning, a total of three dwellings could be permitted on the subject site without a commercial development plan. One requested additional manufactured dwelling will be conditioned for the subject site, which should have minimal impacts to surrounding properties.

A concurrent plan amendment/rezoning would preclude future applications for a zoning district that is more intense. Any future changes would require a separate comprehensive plan amendment and rezoning.

#### Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS					
Department/Agency	Concurrency Considerations Met: Yes / No / N/A	Other Comments			
TRANSPORTATION	Yes	No objection			
FLOOD CONTROL	Yes	No objection			
WASTEWATER	N/A	Outside sewer service area			
PARKS AND RECREATION	N/A				
WATER	N/A	Outside water provider service areas			
SCHOOLS	N/A				

#### TRANSPORTATION REPORT

The closest county maintained roadway is S. Swan Road, located approximately 4,700 feet to the west. Access to the site is via named private access easements from Swan Road. An additional dwelling unit will generate approximately 10 average daily trips and will not impact the capacity of surrounding roadways.

There are no transportation concurrency concerns and the department has no objection to this comprehensive plan amendment and rezoning request to allow for an additional dwelling on the property and recommends approval without conditions.

#### FLOOD CONTROL REPORT

The property is not impacted by a Federal Emergency Management Agency floodplain or local floodplain and does not have mapped Regulated Riparian Habitat, and is therefore not designated as Flood Control Resource Area.

The district has no objection to this comprehensive plan amendment and rezoning, and recommends no rezoning conditions.

#### WASTEWATER RECLAMATION REPORT

The property is located on the south side of E. Ocotillo Hill Road, approximately one mile east of S. Swan Road, outside of the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area. The owner will utilize private on-site septic system.

PCRWRD has no objections to the proposed comprehensive plan amendment and rezoning request.

#### **ENVIRONMENTAL PLANNING REPORT**

Environmental Planning has no objection subject to rezoning condition #2.

#### **CULTURAL RESOURCES REPORT**

The property was surveyed by SWCA for a landfill project in 1992. No cultural resources sites were identified and no new survey would be needed given the proposed construction for the property.

Cultural Resources has no objection subject to rezoning condition #3.

#### NATURAL RESOURCES, PARKS AND RECREATION REPORT

There are no trails or other associated recreational facilities in the vicinity of the subject site.

#### **US FISH & WILDLIFE SERVICE REPORT**

US Fish & Wildlife Service has no comment.

#### CITY OF TUCSON REPORT

City of Tucson has no comment.

#### TUCSON ELECTRIC POWER (TEP) REPORT

The property is located within the TEP service territory and will require a new service application from the owner to extend service to the new location.

#### TUCSON AIRPORT AUTHORITY (TAA) REPORT

TAA states that this site lies within the Tucson International Airport Avigation Easement and Airport Public Disclosure zone, Federal Aviation Administration (FAA) traffic pattern airspace, and within FAA Part 77 airspace. TAA also notes that the proposed manufactured home structure exceeds an instrument approach area by 86 feet, and will require an aeronautical study to determine if the structure will exceed a standard of subpart C of 14 CFR Part 77.

TAA has no objection to the plan amendment and rezoning request, subject to recording of an Avigation Easement, submittal of an Airport Disclosure Statement, and filing FAA form 7460 with the FAA, per details in rezoning conditions #5a – c, below.

#### FIRE DISTRICT REPORT

Rural Metro Fire Department has no comment.

# IF THE DECISION IS MADE TO APPROVE THE COMPREHENSIVE PLAN AMENDMENT, THE FOLLOWING REZONING POLICY SHOULD BE CONSIDERED:

1. Notwithstanding the objectives and residential density allowed under the Low Intensity Rural (LIR) comprehensive plan land use designation, a rezoning to the GR-1 (Rural Residential) zone for one (1) additional dwelling only, shall be deemed in conformance with the comprehensive plan.

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

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

- 1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
- 2. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
- 3. Cultural Resources condition: In the event that ancestral remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are encountered during construction, all ground disturbing activities must cease within 50 ft of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the encounter or disturbance of the remains at (520) 626-0320 so that appropriate arrangements can be made for the repatriation and reburial by cultural groups who claim cultural or religious affinity to them. The ancestral remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 4. Adherence to the sketch plan as approved at public hearing. Owner shall be permitted one (1) additional dwelling on the property only, for a total of two (2) dwellings.
- 5. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
- 6. Tucson Airport Authority conditions:
  - a. An Avigation Easement must be executed and recorded with the Pima County Recorder's Office by the property owner or person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
  - b. The property owner must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided. Signed Airport Disclosure Statement and copy of recorded Avigation Easement (rezoning condition 5a, above) shall be submitted to:

Planning Manager Tucson Airport Authority 7250 S Tucson Boulevard, Suite 300 Tucson, AZ 85756

- c. The property owner must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for each proposed project unless the FAA staff, with the Obstruction Evaluation/Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns identified by the FAA. Note that any cranes proposed to be used onsite must also be identified on Form 7460. Please file FAA Form 7460 here: <a href="https://oeaaa.faa.gov/oeaaa/external/portal.jsp">https://oeaaa.faa.gov/oeaaa/external/portal.jsp</a> and select the option: 'If construction of alternation IS NOT LOCATED on an airport.'
- 7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- 8. The property owner shall execute the following disclaimer regarding Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Respectfully,

Mark Holden, AICP Principal Planner

Wash hold

c: Natalie Pacheco, US Mobile Home Transport Inc.

Case #: P22CR00002
Case Name: CARDENAS - E.OCOTILLO HILL ROAD PLAN AMENDMENT AND REZONING

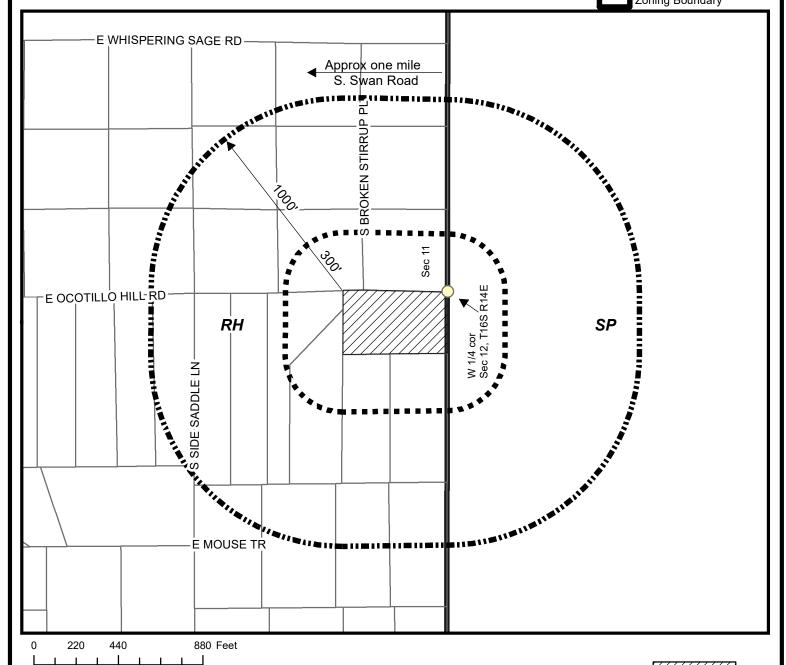
Tax Code(s): 303-09-0760

Subject Property

300' Notification Area

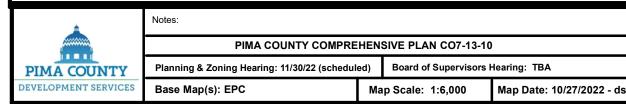
1000' Notification Area

Zoning Boundary



# PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

Area of proposed rezoning from RH to GR-1









#### **Low Intensity Rural (LIR)**

Objective: To designate areas for residential uses at densities consistent with rural and resource-based characteristics.

- Residential Gross Density: Minimum- none; Maximum- 0.3 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 0.3 RAC

#### **Medium Intensity Rural (MIR)**

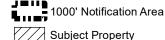
Objective: To designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials or suburban areas.

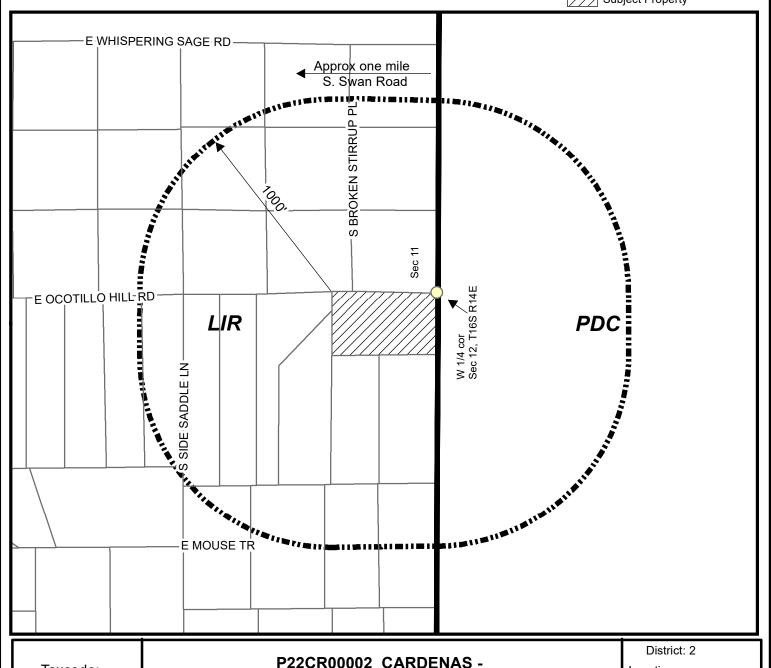
- Residential Gross Density: Minimum- none; Maximum- 1.2 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 1.2 RAC

(Note: staff recommends a policy to maintain the LIR land use designation on the subject property and allow a rezoning to GR-1 (Rural Residential) for a single additional dwelling on the property)

### **COMPREHENSIVE PLAN AMENDMENT**

Planned Land Use





Taxcode: 303-09-0760

# P22CR00002 CARDENAS E. OCOTILLO HILL ROAD PLAN AMENDMENT & REZONING

Request: Low Intensity Rural (LIR) to Medium Intensity Rural (MIR) 3.14 Acres +/-

Location: South side of E. Ocotillo Hill Road, approx.one mile east of S. Swan Road



Southeast Planning Area under Pima Prospers Section 11, Township 16 South, Range 14 East

Planning and Zoning Commission Hearing: November 30, 2022 Map Scale: 1:6,000

Board of Supervisors Hearing: TBA

Map Date: October 27, 2022 / dms





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).

<u>INSTRUCTIONS FOR SAVING FORM:</u> 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.

#### <u>Project ID</u> (case no., APN no., address, or other identifying info):

Comp Plan Amendment from Low Intensity Rural (LIR) to Medium Intensity Rural (MIR) on approx. 4.13 acres,

#### Part I. Information Provided by Pima County Staff

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

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: Yes
  - 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?  $N_0$  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.

#### Letter of Requests

Alberto Cardenas & Rosa Miranda (Owner)

5450 E. Ocotillo Hill Rd.

Tucson, AZ 85756

520-704-2643

diego98th@gmail.com

Natalie Pacheco (Applicant)

5575 S. Masterson Ave. Unit 14

Tucson, AZ 85706

usmobile.natalie@gmail.com,

520-909-4551

520-746-1387

Property Address: 5450 E. Ocotillo Hill Rd. Tucson, AZ 85756

Property Size: 4.10-acre parcel

Property owner would like to amend the comprehensive plan land use designation from Low Intensity Rural (LIR) to Medium Intensity Rural (MIR) and rezone the property from RH (Rural Homestead) to GR-1(Rural Residential) zoning. Client would like to place a second dwelling on the property per site plan, single manufactured home, 2 bedroom and 1 bath. Property owner will hire U.S Mobile Home Transport Inc. for the installation of the new dwelling on the property, a septic permit will also be obtained, water will connect to a shared well. The existing dwelling on the property will remain.

Thank You,

Alberto Cardenas Rosa Miranda

Alberto Cardenas & Rosa Miranda



#### LETTER OF AUTHORIZATION

As required by Arizona Revised Statues I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

# 5450 E. Ocotillo Hill Rd. Tucson, AZ 85756 Property Address Secondary Dwelling, Concurrent Comprehensive Plan Amendment Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home) Name Packet O9/27/2022 Signature of Applicant O9/27/2022 Date