



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 4, 2019

Title: Resolution: Co9-07-27 NOSECK/DAVIS - CAMINO DOROTEA REZONING

Introduction/Background:

On February 19, 2019, the Board of Supervisors approved a five-year Time Extension for this Rezoning subject to original and modified conditions.

Discussion:

This Resolution reflects the Board of Supervisors' approval of the Rezoning Time Extension.

Conclusion:

The time limit and conditions contained in Rezoning Ordinance 2008-114 may be modified by resolution.

Recommendation:

Approval of the Resolution.

Fiscal Impact:

N/A

Board of Supervisor District:

1 2 3 4 5 All

Department: Development Services Department - Planning Telephone: 520-724-9000

Contact: David Petersen - Senior Planner Telephone: 520-724-9508

Department Director Signature/Date: 5/14/19

Deputy County Administrator Signature/Date: 5/14/19

County Administrator Signature/Date: C. Danielbury 5/15/19

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Subject: Co9-07-27

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FOR JUNE 4, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official *Tom Drzgowski*
Public Works-Development Services Department-Planning Division

DATE: May 14, 2019

RESOLUTION FOR ADOPTION

Co9-07-27 NOSECK/DAVIS – CAMINO DOROREA REZONING

Owners: Lawyers Title of AZ TR 18211-T, Attn: Coyote Creek Development II & Landmark Title TR 18211-T, Attn: Ronald & Denise Noseck & Raymond T. Noseck & Michael A. Davis (District 4)

If approved, adopt RESOLUTION NO. 2019 - _____

OWNERS: Lawyers Title of AZ TR 18211-T
Attn: Coyote Creek Development II
14901 E. Old Spanish Trail
Vail, AZ 85641-6254

Landmark Title TR 18211-T
Attn: Ronald & Denise Noseck & Raymond T. Noseck & Michael A. Davis
13730 E. Camino Cartamo
Tucson, AZ 85749-9193

AGENT: Peter Backus, Managing Partner
14901 E. Old Spanish Trail
Vail, AZ 85641

DISTRICT: 4

STAFF CONTACT: David Petersen

STAFF RECOMMENDATION: APPROVAL.

CP/DP/ar
Attachments

cc: Co9-07-27 File

RESOLUTION 2019-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-07-27 NOSECK/DAVIS – CAMINO DOROTEA REZONING; LOCATED ON THE NORTH SIDE OF CAMINO DOROTEA ALIGNMENT AND AT THE SOUTHERN TERMINUS OF THE COYOTE CREEK TRAIL EASEMENT, APPROXIMATELY 1,300 FEET EAST OF CAMINO LOMA ALTA; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2008-114.

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

1. On August 18, 2008, in rezoning case Co9-07-27, the Pima County Board of Supervisors approved the rezoning of approximately 51.06 acres located on the north side of Camino Dorotea alignment and at the southern terminus of the Coyote Creek Trail Easement, approximately 1,300 feet east of Camino Loma Alta as shown on Exhibit A from RH (BZ) (Rural Homestead) (Buffer Overlay Zone) to SR-2 (BZ) (Suburban Ranch Estate) (Buffer Overlay Zone) (12.6 acres) and RH (Rural Homestead) to SR-2 (Suburban Ranch Estate) (38.46 acres), subject to standard and special conditions.
2. On December 2, 2008, the Pima County Board of Supervisors adopted rezoning Ordinance 2008-114, recorded at Sequence 20082370601, rezoning the approximate 51.06 acres described in rezoning case Co9-07-27 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2008-114.
4. On February 19, 2019, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions.
5. Section 3 of Ordinance No. 2008-114 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2008-114 are restated and modified as follows:

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

~~appropriate by the various County agencies.~~

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, Document Services.~~
61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
72. **Transportation conditions:**
The property owner(s)/developer(s) shall include the reconfiguration of lot(s) and access through the adjoining subdivision as part of the subdivision for this rezoning and the access shall be common area.
83. **Flood Control conditions:**
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. Building envelopes shall avoid floodplains, erosion hazard setbacks, and riparian habitat shall be shown on the plat for all lots containing floodplains, erosion hazard setbacks, and riparian habitat. Covenants running with the land restricting development outside building envelopes shall also be provided.
 - C. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention /retention requirements.
 - D. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - E. The property owner(s)/developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
 - F. All-weather access shall be provided to all lots to meet concurrency requirements.
 - G. A riparian mitigation plan shall be required for development in designated riparian areas.
 - H. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

94. Wastewater Reclamation condition:

The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

105. Environmental Quality conditions:

- A. All proposed residential lots shall have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements shall be suitable to absorb effluent; and all other design requirements must be satisfied.
- B. At time of Tentative Plat review the applicant shall demonstrate that the lots, as proposed, can accommodate a home site, a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence.
- C. At time of Tentative Plat review percolation tests and boring logs shall be conducted to accurately depict soil conditions as follows: There shall be a minimum of one percolation test and one ten-foot boring log per acre, or one percolation test and one boring log per lot for lots larger than one acre.

116. Cultural Resources conditions:

- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
- B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
- C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

127. Natural Resources, Parks and Recreation condition:

The property owner(s)/developer(s) shall provide a 25-foot "Public Non-Motorized Trail Easement" as shown on the Preliminary Development Plan.

138. Environmental Planning conditions:

- A. The owner(s)/developer(s) shall attain compliance with the CLS by setting aside a minimum of eighty (80) percent of the rezoning site as natural open space.

- B. The potential building areas and grading limits on each lot, as shown on the preliminary development plan shall be recorded on the subdivision plat.
- C. All areas graded for septic systems shall be re-vegetated with shallow-rooted native Sonoran desert vegetation (e.g., cacti, sub-shrubs, ground covers) at the completion of installation.
- D. With the exception for road crossings, all grading shall avoid washes, riparian areas and areas with slopes of 15 percent or greater.
- E. The following shall be incorporated into Private Subdivision Covenants, Conditions and Restrictions (CC&Rs) that govern Homeowners' Associations (HOAs) and the actions of private property owner(s) within the Subdivision:
 - 1. Maintenance of Common Area by Association: the HOA shall be responsible for the removal of invasive non-native plant species from Common Areas, including but not limited to those listed below.
 - 2. Maintenance of Lots by Owner(s): obligations of Owner(s) shall include keeping private lots free of invasive non-native plant species including but not limited to those listed below:

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

449. In the event the subject property is annexed, the property owner(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.
4510. The property owner(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()."
46. ~~The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner(s)/developer(s) 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.~~
4711. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

Section 2. Section 3 of Ordinance No. 2008-114 is restated and modified as follows:

1. Conditions 1 through 4711 shall be completed by August 18, 20132018.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 4711 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Passed and adopted, this _____ day of _____, 2019.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

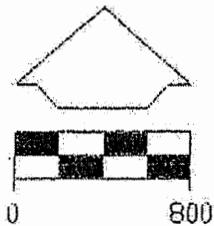
4/26/19
Deputy County Attorney
Lesley M. Lukach

APPROVED:

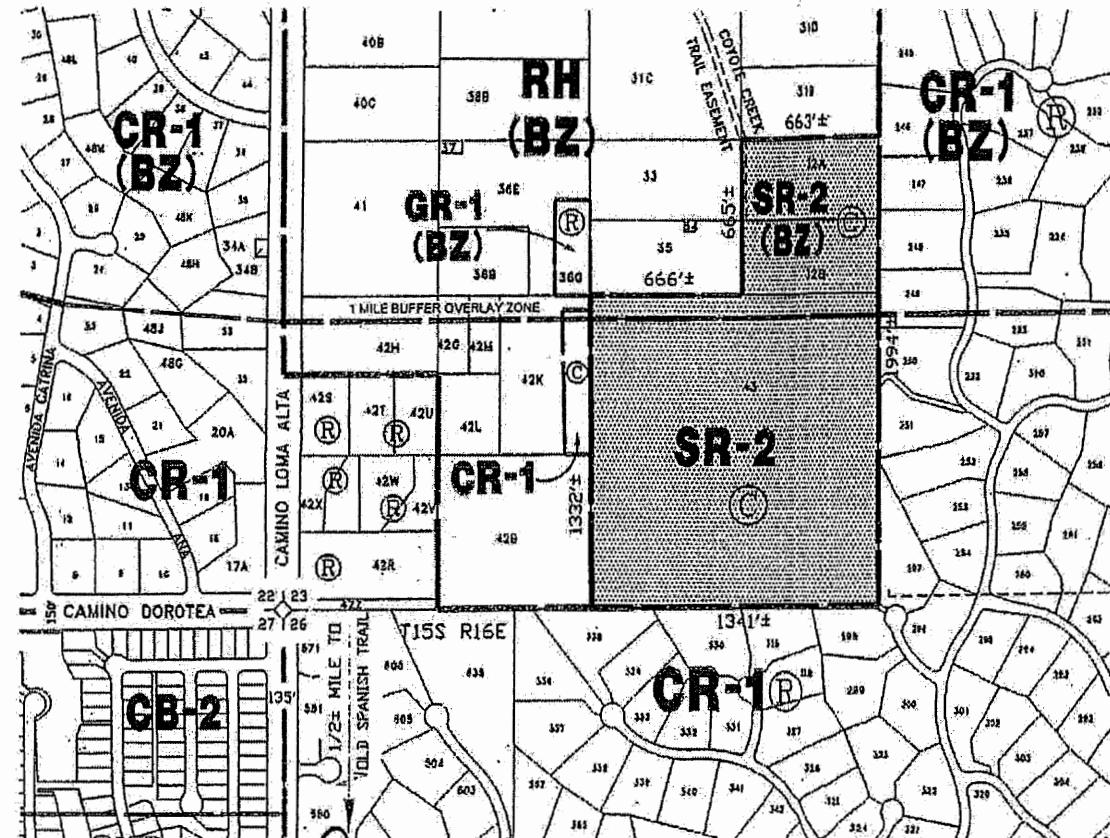
4/26/19
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 14 BY ORDINANCE NO. 2008-114
 TO PIMA COUNTY ZONING MAP NO. 181 TUCSON, ARIZONA
 PARCELS 032A, 032B & 0430 BEING A PART OF THE SE 1/4 OF
 THE NE 1/4 OF THE SW 1/4 AND THE SE 1/4 OF THE SW 1/4
 OF SECTION 23, T15S, R16E



ADOPTED DECEMBER 2, 2008, EFFECTIVE DECEMBER 2, 2008



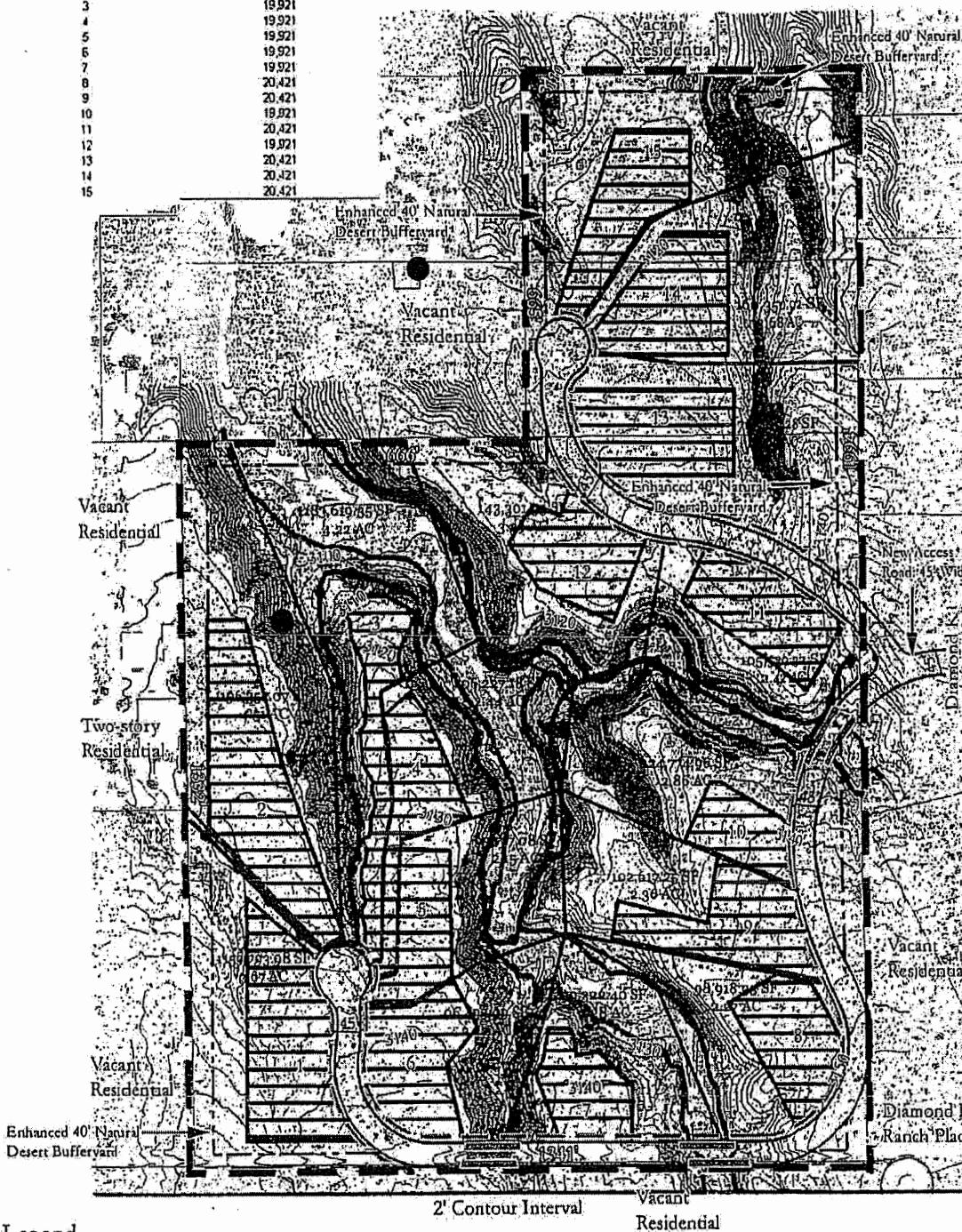
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM RH 38.46 ac±
 FROM RH(BZ) 12.60 ac±
 PJ-OCTOBER 28, 2008

Co9-07-027
 Co7-00-020
 205-75-032A
 205-75-032B &
 205-75-0430

EXHIBIT B

Lot Number	Grading Limits On Each Lot (sq. ft.)
1	23,921
2	27,921
3	19,921
4	19,921
5	19,921
6	19,921
7	19,921
8	20,421
9	20,421
10	19,921
11	20,421
12	19,921
13	20,421
14	20,421
15	20,421



Boss Hearing 8-18-08
Ranca P.

Legend

Legend:

- Site Boundary
- Lot Lines
- Erosion Hazard
- Setback
- 100 Yr. Floodplain
- Proposed Trail
- Public Utility Easement
- Bank Protection
- Potential Building Area
- Buffer Overlay Zone
- Slopes: 15-25%
- Slopes: >25%
- Xeroriparian C
- Xeroriparian D
- Well Sites

Scale: 1" = 200'-0"

North

200 100 0 200 400

Lot grading, including septic system and driveways, will occur only within potential building area shown. Areas not graded within potential building areas will remain Natural Open Space. Under no circumstances shall more than 20% of the entire site be graded.

Preliminary
Development Plan
Exhibit II-B.1