

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 5/6/2025

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A". *Title: ORDINANCE: P24RZ00007 YBARRA - S. BUTTS ROAD REZONING *Introduction/Background: The Board of Supervisors approved the rezoning on November 19, 2024. *Discussion: The rezoning was for approximately 3.35 acres from the SR (TDR-RA) (Suburban Ranch – Transfer of Development Rights-Receiving Area) to the CR-1 (TDR-RA) (Single Residence – Transfer of Development Rights-Receiving Area) zone, located on the west side of S. Butts Road, approximately 900 feet south of the T-Intersection of W. Irvington Road and S. Butts Road to split the parcel into three lots for two additional single-family residences. *Conclusion: The Ordinance reflects the Board of Supervisors' approval. *Recommendation: Approval *Fiscal Impact: 0 *Board of Supervisor District: Department: Development Services - Planning Telephone: 520-724-6675 Contact: Donna Spicola, Planner II Telephone: 520-724-9513 Date: 4/18/2025

Department Director Signature:

County Administrator Signature:

Deputy County Administrator Signature:



Subject: P24RZ00007

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MAY 6, 2025 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Director

Public Works-Development Services Department-Planning Divis

DATE:

April 15, 2025

ORDINANCE FOR ADOPTION

P24RZ00007 YBARRA - S. BUTTS ROAD REZONING

Owners: John and Denise Ybarra

(District 3)

If approved, adopt ORDINANCE NO. 2025 - _____

OWNERS:

John and Denise Ybarra

5050 S. Butts Road Tucson, AZ 85757

AGENT:

Owner

DISTRICT:

3

STAFF CONTACT: Donna Spicola, Planner II

STAFF RECOMMENDATION: APPROVAL

TD

Attachments

c: John and Denise Ybarra

ORDIN	NANCE	2025-	
ORDII	MAINOE	ZUZU-	

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 3.35 ACRES OF PROPERTY FROM THE SR (TDR-RA) (SUBURBAN RANCH – TRANSFER OF DEVELOPMENT RIGHTS-RECEIVING AREA) TO THE CR-1 (TDR-RA) (SINGLE RESIDENCE – TRANSFER OF DEVELOPMENT RIGHTS-RECEIVING AREA) ZONE, IN CASE P24RZ00007 YBARRA - S. BUTTS ROAD REZONING, LOCATED ON THE WEST SIDE OF S. BUTTS ROAD, APPROXIMATELY 900 FEET SOUTH OF THE T-INTERSECTION OF W. IRVINGTON ROAD AND S. BUTTS ROAD, ADDRESSED AS 5050 S. BUTTS ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO. 37.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 3.35 acres located on the west side of S. Butts Road, approximately 900 feet south of the T-intersection of W. Irvington Road and S. Butts Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zonings Map No. 37, is rezoned from the SR (TDR-RA) (Suburban Ranch – Transfer of Development Rights-Receiving Area) to CR-1 (TDR-RA) (Single Residence – Transfer of Development Rights-Receiving Area) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

- 1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 2. Transportation conditions:
 - A. The property owner(s) shall dedicate 30 feet of right-of-way for Butts Road along the east property boundary.
 - B. The property shall be limited to one (1) access point on Butts Road.
 - C. A shared access easement for legal access between the properties is required prior to the issuance of a building permit.
 - D. Surface treatment for dust control purposes for the private drive(s) shall be determined at the time of building permitting.
 - E. A 1-foot no access easement shall be provided along the east property boundary adjacent to Butts Road excluding the access point.
 - F. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements
- 3. Flood Control District condition: The mapped Regulated Riparian Habitat on the western most parcel (labeled as Parcel 1 on the sketch) shall remain undisturbed. Any disturbance to the riparian habitat vegetation will require mitigation

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- 4. Wastewater Reclamation conditions:
 - A. The owner(s) 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(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) stating that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(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.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system is permanently committed for any new development within the rezoning area.
- 5. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 6. Environmental Quality conditions:
 - A. It is the responsibility of the owner to obtain a Construction Authorization from Pima County prior to constructing onsite wastewater treatment facilities; additionally, a Discharge Authorization must be issued by PDEQ before connecting and discharging to the aforementioned onsite wastewater treatment facilities.
 - B. Prior to the commencement of construction of any grading, land clearing or earthmoving of more than one (1) acre, any road construction of more than fifty (50)

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feet, or any trenching of more than three hundred (300) feet, an Air Quality Permit shall be obtained.

- 7. Adherence to the sketch plan as approved at public hearing.
- 8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- 9. The property owner shall execute the following disclaimer regarding the 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)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than November 19, 2029.

Section 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.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

Passed and adopt	ed by the Board of Supervisors of Pima County, Arizona, on this	day
of	, 2025.	
	Chair, Pima County Board of Supervisors	
ATTEST:		
Clerk, Board of Su	pervisors	

P24RZ00007

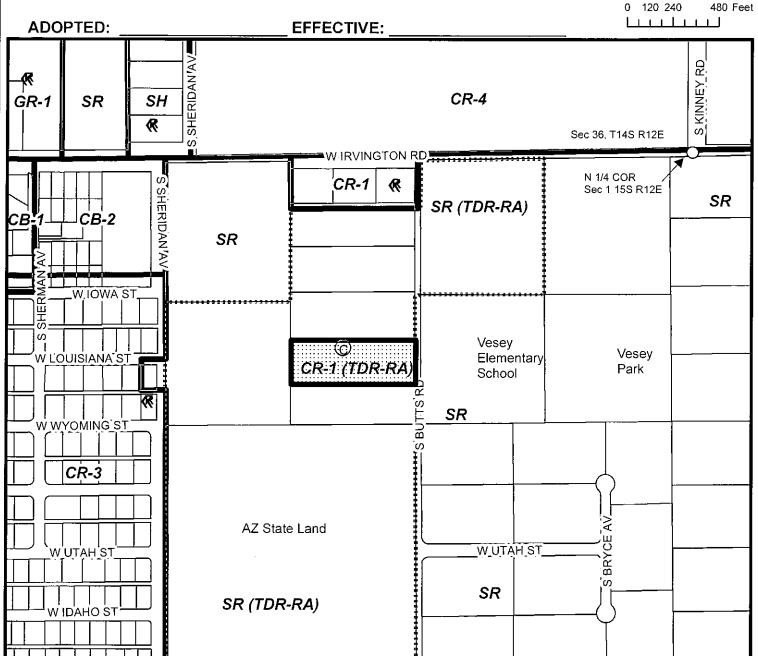
APPROVED AS TO FORM:

Deputy County Attorney Jacob Kavkewitz

APPROVED:

Executive Secretary
Planning and Zoning Commission

EXHIBIT A AMENDMENT NO.______ BY ORDINANCE NO._____ TO PIMA COUNTY ZONING MAP NO. ____37 ____ TUCSON AZ. BEING PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 1, T15S R12E.



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

PIMA COUNTY

DEVELOPMENT SERVICES

NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE FROM SR (TDR-RA) 3.35 ac ds-February 28, 2025

P24RZ00007 210-01-018E

