



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 2/7/2023

*= Mandatory, information must be provided

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

***Title:**

ORDINANCE: P22RZ00004 WONG LIVING TR – W. VALENCIA ROAD REZONING

***Introduction/Background:**

The Board of Supervisors approved this rezoning on September 6, 2022.

***Discussion:**

The rezoning was for approximately 38.19 acres from the GR-1 (Rural Residential) (25.02 acres) and the GR-1 (TDR) (Rural Residential – Transfer of Development Rights Receiving Area)(13.17 acres) to the CR-5 (Multiple Residence) (25.02 acres) and the CR-5 (TDR) (Multiple Residence - Transfer of Development Rights Receiving Area)(13.17 acres) zone for a 143-lot, single-family residential subdivision with one and two-story dwelling units.

***Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

0

***Board of Supervisor District:**

1 2 3 4 5 All

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

Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921

Department Director Signature:  _____ Date: 1/13/23

Deputy County Administrator Signature:  _____ Date: 1/13/2023

County Administrator Signature:  _____ Date: 1/14/2023



Subject: P22RZ00004

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FEBRUARY 7, 2023 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Deputy Director *Tom Draczgowski*
Public Works-Development Services Department-Planning Division
DATE: January 10, 2023

ORDINANCE FOR ADOPTION

P22RZ00004 WONG LIVING TR – W. VALENCIA ROAD REZONING

Owners: Wong Living TR
(District 5)

If approved, adopt ORDINANCE NO. 2023 - _____

OWNERS: Wong Living TR
Attn: Yu Jen & Irene Wong TR
2251 W. Kendra Place
Tucson, AZ 85741

AGENT: Projects International Inc.
Attn: Jim Portner, Principal
10836 E. Armada Lane
Tucson, AZ 85749

DISTRICT: 5

STAFF CONTACT: Terrill L. Tillman, AICP, Principal Planner

STAFF RECOMMENDATION: APPROVAL

TD/TT
Attachments

c: Jim Portner

ORDINANCE 2023 - _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 38.19 ACRES OF PROPERTY (PARCEL CODE 137-19-004D) FROM THE GR-1 (RURAL RESIDENTIAL) (25.02 ACRES) AND FROM THE GR-1 (TDR) (RURAL RESIDENTIAL - TRANSFER OF DEVELOPMENT RIGHTS - RECEIVING AREA) (13.17 ACRES) TO THE CR-5 (MULTIPLE RESIDENCE)(25.02 ACRES) AND TO THE CR-5 (TDR) (MULTIPLE RESIDENCE - TRANSFER OF DEVELOPMENT RIGHTS - RECEIVING AREA) (13.17 ACRES) ZONE, IN CASE P22RZ00004 WONG LIVING TR – W. VALENCIA ROAD REZONING, LOCATED ON THE NORTH SIDE OF W. VALENCIA ROAD, APPROXIMATELY 700 FEET WEST OF THE INTERSECTION OF W. VALENCIA ROAD AND S. CAMINO DE LA TIERRA, AMENDING PIMA COUNTY ZONING MAP NOS. 36 AND 63.

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

Section 1. The 38.19 acres located on the north side of W. Valencia Road, approximately 700 feet west of the intersection of W. Valencia Road and S. Camino de la Tierra, and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map Nos. 36 and 63, is rezoned from the GR-1 (Rural Residential) (25.02 acres) and from the GR-1 (TDR) (Rural Residential - Transfer of Development Rights - Receiving Area) (13.17 acres) to the CR-5 (Multiple Residence.02 acres) and to the CR-5 (TDR) (Multiple Residence - Transfer of Development Rights - Receiving Area) (13.17 acres) 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. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner.
 - B. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
 - C. Three connection points are required for the site and/or as approved by the Department of Transportation. A maximum of one connection will be allowed on Valencia Road and it shall be aligned with Sorrel Lane to the south.
 - D. An ADA-accessible asphalt path or sidewalk shall be provided, at least 5 feet-wide, along the property's entire Valencia frontage. The location of the path shall be determined at time of permitting.

3. Regional Flood Control District conditions:
 - A. Drainage infrastructure, bank protection and open space for drainage shall be maintained by the Homeowners' Association.
 - B. Encroachment into mapped Regulated Riparian Habitat and the FEMA floodplain not shown on the approved PDP is prohibited.
 - C. No development other than the road crossing will be allowed in the Zone A, Special Flood Hazard Area.
 - D. First flush retention shall be provided in Low Impact Development practices distributed throughout the subdivision.
 - E. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table A such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner 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, the owner 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 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 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 enter into a written agreement addressing the funding, design and construction of off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, 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 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.
 - G. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
6. Cultural Resources condition: 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.
7. Adherence to the preliminary development plan as approved at public hearing.
8. View fencing, such as wrought iron fencing shall be installed along the width of the open space area and bufferyard adjacent to W. Bilby Road and W. Valencia Road to provide physical access control.
9. Tucson Airport Authority conditions:
 - A. An Avigation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other 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. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless 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 which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
 - C. Applicable to residential uses only: The property owner/developer/applicant 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.
 - D. The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature, using the mailing address provided below.

Scott Robidoux, Manager of Planning
Tucson Airport Authority
7250 South Tucson Boulevard, Suite 300
Tucson, AZ 85756

10. 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.
11. 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 11 of Section 2 shall be completed no later than September 6, 2027.

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 Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2023.

Chair, Pima County Board of Supervisors

ATTEST:

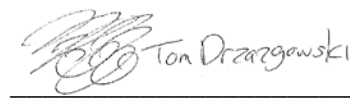
Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney

APPROVED:



Executive Secretary

Planning and Zoning Commission

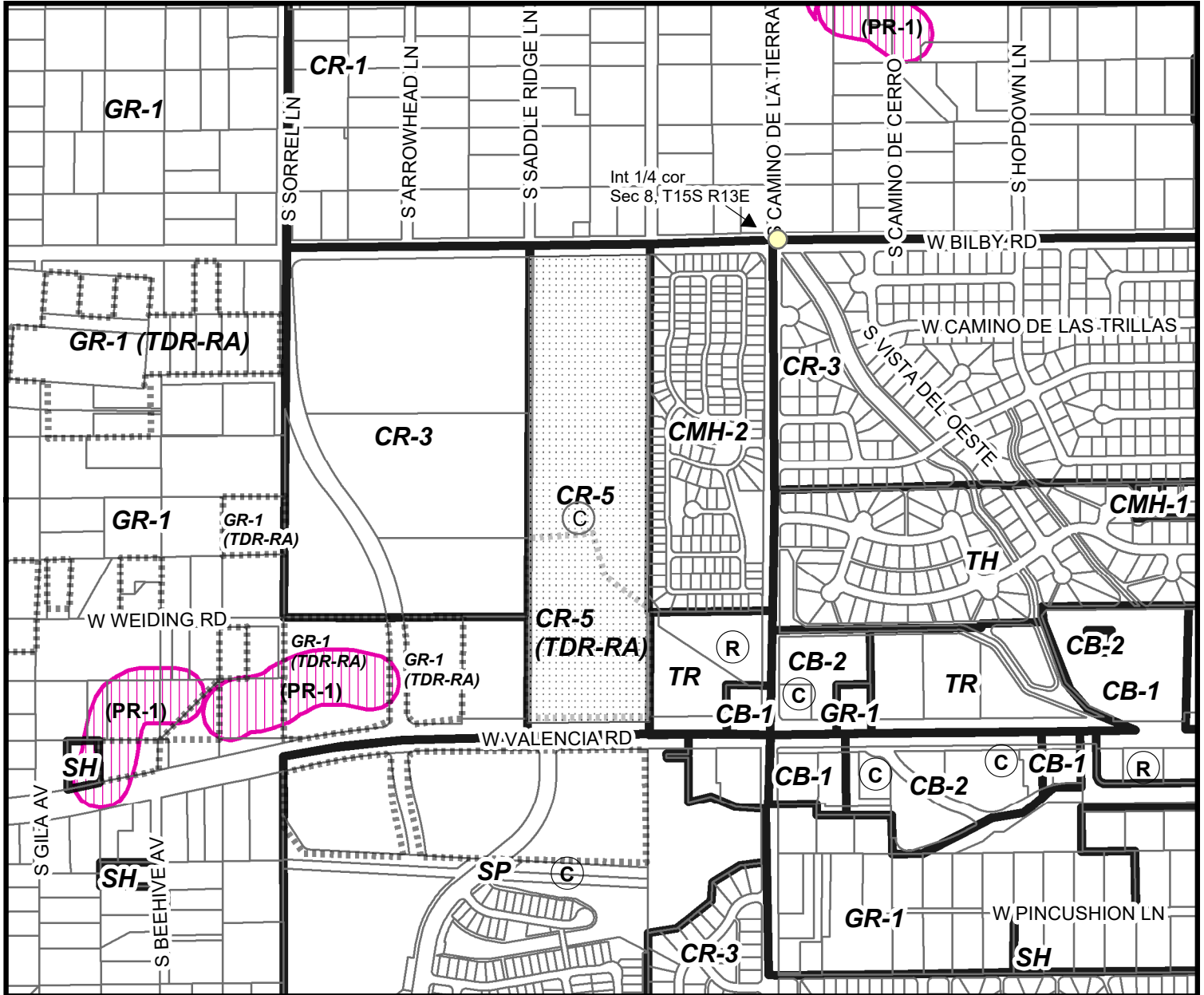
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 36, 63 TUCSON AZ. BEING A
 PART OF THE W 1/2 OF THE E 1/2 OF THE SW 1/4 OF SECTION 8, T15S R13E.



0 205 410 820 Feet

ADOPTED: _____ EFFECTIVE: _____

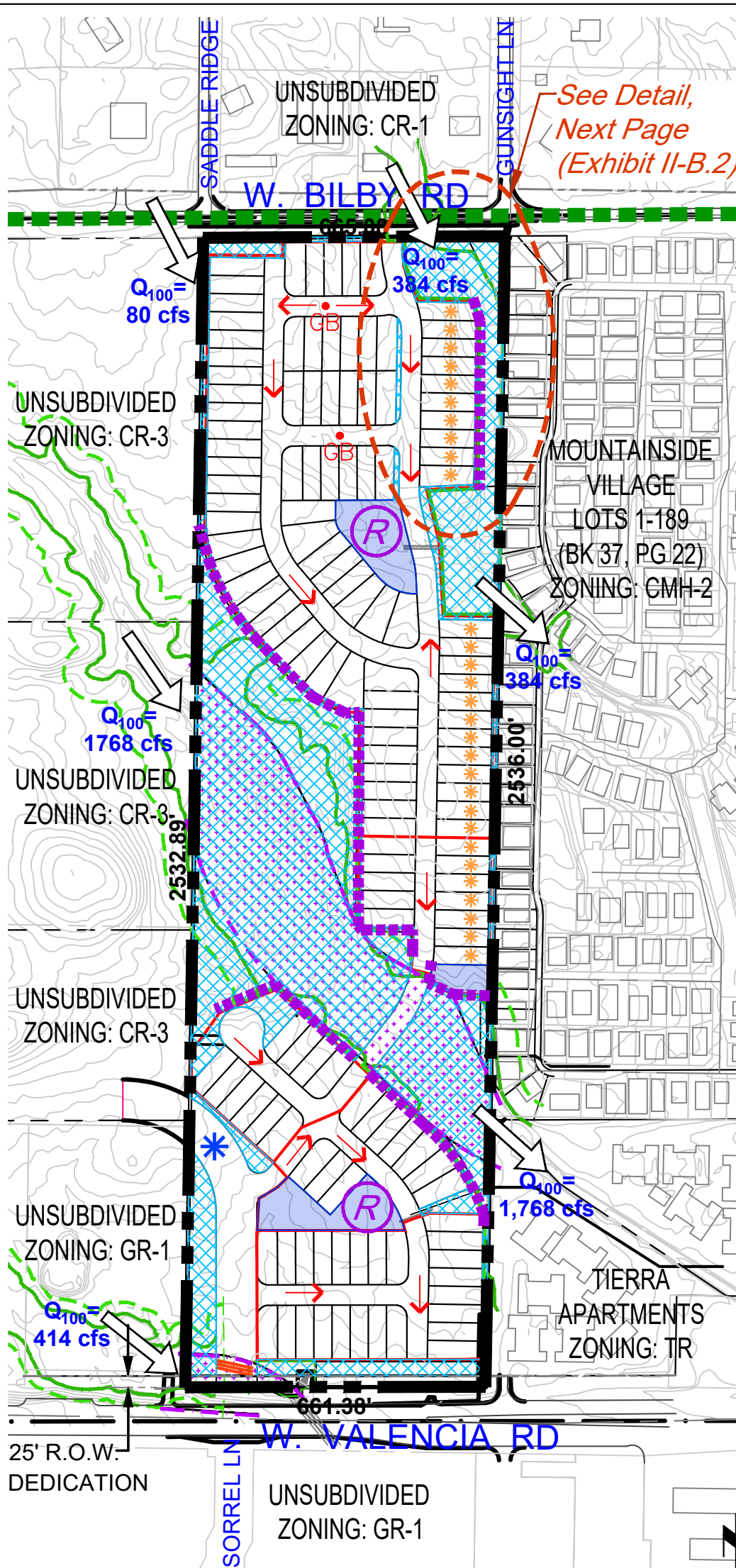


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM GR-1 & GR-1 (TDR) 38.19 ac
 ds-November 15, 2022

P22RZ00004
 13719004D





LEGEND

- PDP/Rezoning Boundary with Dimension 665.08'
- Lots Restricted to Single Story
- Post-Development 100-Year Floodplain Limits
- Post-Development Erosion Hazard Setback Limits
- Open Space Areas (Natural, Landscaped & Storm Water Conveyance)
- Proposed Detention Basin. First flush retention will be provided.
- FEMA Zone "A" Boundary
- Proposed Bilby Road Trail #106 (Single Track)
- Post-Development Flow Quantities and Concentration Points Entering or Exiting the Site (See Exhibit II-D.1 for further detail)
- Surface Flow Direction
- Post-Development Watershed Boundaries
- Proposed Bank / Erosion Protection (reduces EHS to face of protection)
- 3-60" RCP Culvert Beneath Valencia Road Entry
- Grade Break
- Extension of Right-of-Way for Potential Northward Continuation of S. Sorrel Lane
- Recreation Facilities Integrated Into Basin

GENERAL NOTES, CONT.

PARKING & LOADING

Parking and loading will be in accordance with Section 18.75 (Parking & Loading Standards). On-street parking will be allowed. Final design and compliance with code will be demonstrated at the time of future site residential subdivision plat review.

RESIDENTIAL SUBDIVISION PUBLIC STREETS

Proposed Right-of-Way Width: 45'
 Travel Lanes: Minimum Two (2) 12' Lanes
 Curbing: 2' Wedge Curbs on both sides
 Sidewalks: 5' Sidewalks both sides
 On-Street Parking: Allowed both sides

REQUIRED PERIMETER LANDSCAPE BUFFERS

Bilby Road Street Frontage	Bufferyard "A"
Valencia Road Street Frontage	Bufferyard "A"
Western Site Boundary	Bufferyard "C" and "D"
Eastern Site Boundary	None Required

CRITICAL BASIN REQUIREMENTS

This project will meet all critical-basin requirements, including the 10% prescribed reduction in exiting volumes.

OPEN SPACE

Approximately 9.92 AC is natural undisturbed open space. In addition, approximately 5.22 AC is storm water conveyance, landscape and recreation open space. The site contains 8.19 AC of Riparian "C". Approximately 7.47 AC (91.1%) will remain natural. The disturbed area will either be mitigated on site or mitigated via an In Lieu Fee.

CONSERVATION LANDS SYSTEM (CLS) PARTICULARS

The entire project lies outside of the MMBCLS.

GENERAL NOTES

PROJECT AREA

Overall Rezoning Site Gross Area: 38.58 AC
 Net Site Area After R.O.W. Dedications: 38.20 AC

PROJECT PARTICULARS

Existing Zoning: GR-1
 Comprehensive Plan Designations: MFC & MLIU
 Proposed Zoning: CR-5

PROPOSED USE

A single-family detached residential subdivision containing approximately one hundred forty-three (143) lots. Typical lot size is 40' x 120' (4,800 sf).

PHASING

Two (2) phases are proposed. 1) Phase I is that area south of the central riparian area; and 2) Phase II is that area north of same.

BUILDING HEIGHT

Maximum residential height is thirty-four (34'). Project will contain both 1-story and 2-story residences per market needs.

Valencia Road Rezoning

NEC W. VALENCIA ROAD Near S. SORREL LANE
 (Ownership: The Wong Living Trust)
 REZONING: GR-1 to CR-5

EXHIBIT B

PRELIMINARY DEVELOPMENT
 PLAN
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