



Board of Supervisors Memorandum

Subject: Co9-13-06

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FOR SEPTEMBER 17, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Arlan M. Colton, Planning Director *AMC*
Public Works-Development Services Department-Planning Division
DATE: September 4, 2013

ORDINANCE FOR ADOPTION

Co9-13-06 TRUBEE – N. BEAR CANYON ROAD REZONING

Owner: Tanya Trubee
(District 4)

If approved, adopt ORDINANCE NO. 2013 - _____

OWNER: Tanya Trubee
4403 E. Timrod
Tucson, AZ 85711

AGENT: None

DISTRICT: 4

STAFF CONTACT: Janet Emel

CP/JE/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-13-06 File

ORDINANCE 2013-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 114-27-428C) IN CASE **Co9-13-06 TRUBEE – BEAR CANYON ROAD REZONING** OF APPROXIMATELY 3.3 ACRES FROM SR (SUBURBAN RANCH) TO CR-1 (SINGLE RESIDENCE), LOCATED ON THE EAST SIDE OF N. BEAR CANYON ROAD AND APPROXIMATELY 1 ¼ MILES NORTH OF TANQUE VERDE ROAD, AMENDING PIMA COUNTY ZONING MAP NO. 51.

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

Section 1. The 3.3 acres, located on the east side of N. Bear Canyon Road and approximately 1 1/4 miles north of Tanque Verde Road, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 51 is hereby rezoned from SR (Suburban Ranch) to CR-1 (Single Residence).

Section 2. Rezoning Conditions.

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 development without the written approval of the Board of Supervisors.
7. Transportation Conditions:
 - A. The property owner/developer shall dedicate 45 feet right-of-way for Bear Canyon Road along the west property boundary.
 - B. There shall be one common shared driveway for all three lots, located at the north property boundary.
 - C. Any common, private, road/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.
8. Environmental Quality condition: The applicant shall demonstrate that the lot(s), as proposed, can accommodate a home site and 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 the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.
9. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted 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. 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.
10. Adherence to the sketch plan as approved at public hearing (EXHIBIT B) with strict adherence to the proposed lot line configuration and a forty-foot minimum setback from the north boundary of the northeast lot shall be provided.
11. 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.

12. The property owner 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)."
13. Upon the effective date of the rezoning ordinance associated with this rezoning, 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 current any future 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.

Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 13 shall be completed by July 2, 2018.
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 13 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.

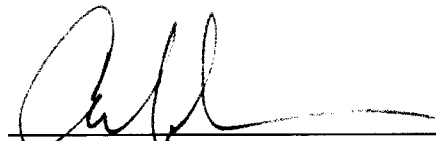
Section 4. The effective date of this Ordinance shall be on the date of the signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day, of 2013.

Chairman of the Board of Supervisors

ATTEST:

Clerk, Board of Supervisors



Deputy County Attorney

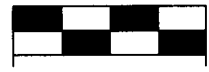
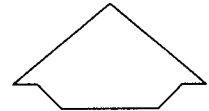
ANDREW FLAGG



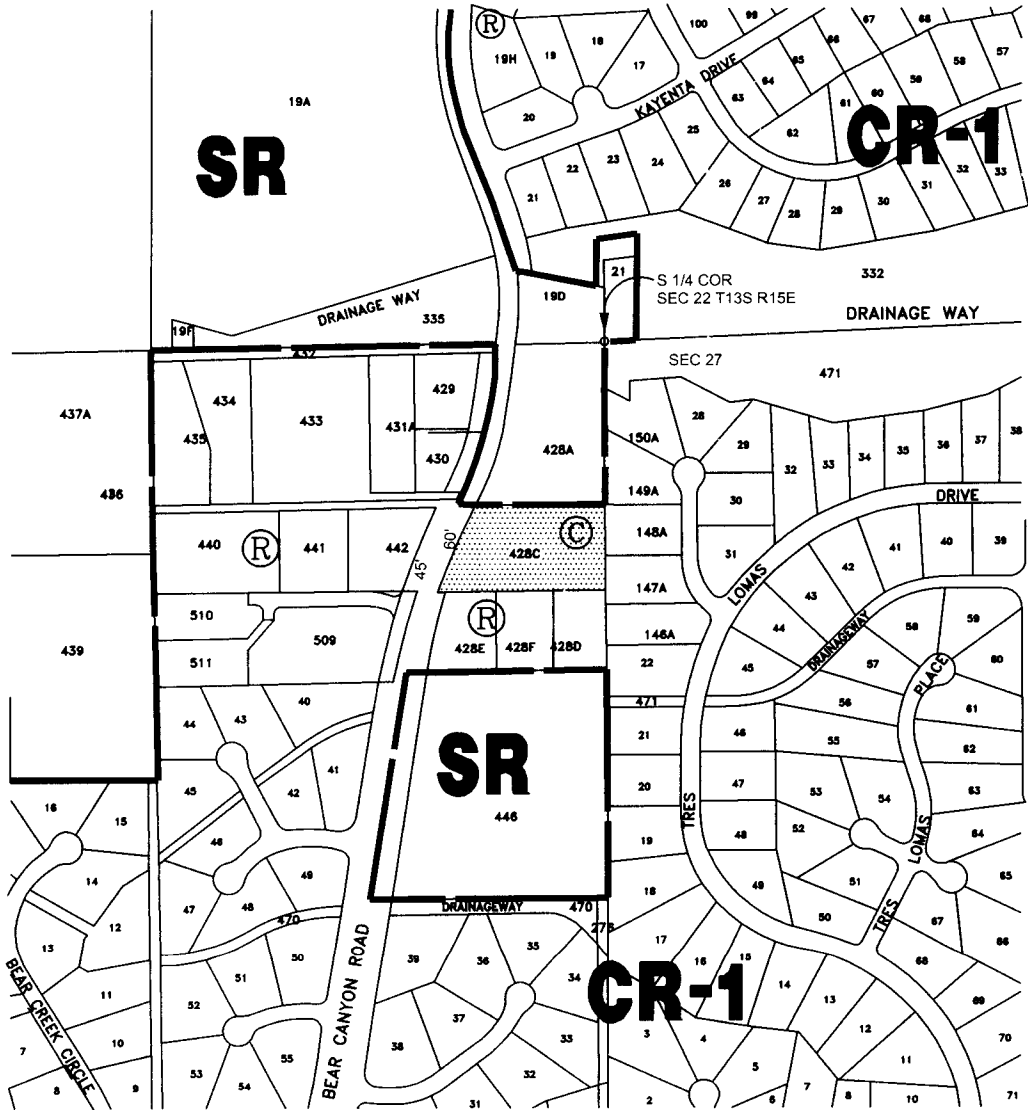
Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 51 TUCSON, AZ.
 PARCEL 28 BEING A PART OF THE NE 1/4 OF THE NW 1/4 OF
 SEC. 27, T13S R15E.



ADOPTED _____ EFFECTIVE _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SR 3.3 ac±
 ds-AUGUST 6, 2013

CD9-13-06
 114-27-428C

