



Board of Supervisors Memorandum

Subject: Co9-13-01

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FOR AUGUST 19, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Arlan M. Colton, Planning Director 
Public Works-Development Services Department-Planning Division
DATE: August 7, 2013

ORDINANCE FOR ADOPTION

Co9-13-01 **2006 RUPPRECHT FAMILY TRUST – VALLEY VIEW ROAD REZONING**
(ZONING PLAN)
Owner: Melanie Rupprecht
(District 1)

If approved, adopt ORDINANCE NO. 2013 - _____

OWNER: Melanie Rupprecht
 5155 N. Valley View Road
 Tucson, AZ 85718

AGENT: None

DISTRICT: 1

STAFF CONTACT: David Petersen

CP/DP/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-13-01 File

ORDINANCE 2013-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 109-13-014D) IN CASE **Co9-13-01 2006 RUPPRECHT FAMILY TR – VALLEY VIEW ROAD REZONING (ZONING PLAN)** OF APPROXIMATELY 3.98 ACRES FROM SR (SUBURBAN RANCH) TO CR-1 (SINGLE RESIDENCE), LOCATED ON THE WEST SIDE OF VALLEY VIEW ROAD, APPROXIMATELY ONE-HALF MILE SOUTH OF SUNRISE DRIVE, AMENDING PIMA COUNTY ZONING MAP NO. 48.

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

Section 1. The 3.98 acres, located on the west side of Valley View Road, approximately one-half mile south of Sunrise Drive, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 48 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. Any common, private roadway/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.
 - B. Recording of an access control easement along Valley View Road frontage except for the existing two access easements.
 - C. Access is restricted to the two existing access easements with no new driveway access to Valley View Road.
8. Flood Control conditions:
 - A. Prior to issuance of any building permits for the subject property(s) a hydrology study must be submitted to Pima County Regional Flood Control District for approval that determines the floodplain limits, building elevations and erosion hazard setback. Building pads shall be identified that avoid floodplain and erosion hazard setbacks.
 - B. EPA Watersense toilets at 1.28 gpf and low flow faucets shall be required for interior use, and other water savings features, such as side-loading washers, refrigerators with filtered indoor water system, and central-core plumbing shall be used as options for the dwellings.
 - C. Low Impact Development (LID) water harvesting should be incorporated into landscaping, paving and parking areas to irrigate native vegetation planted on the site exterior.
9. Environmental Quality conditions:
 - A. The property shall be served by public or private sewer.
 - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, and any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.

10. Wastewater Management conditions:
- A. The owner/developer 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/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have 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 Pima County Regional Wastewater Reclamation Department.
 - C. The owner/developer 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/developer 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - E. The owner/developer 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, sewer construction plan, or request for building permit.
 - F. The owner/developer 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

11. Cultural Resources conditions:
 - A. Following rezoning approval, any subsequent development requiring a Type II grading permit shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
 - B. 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 A.R.S. § 41-865 and/or A.R.S. § 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.
12. Environmental Planning condition:

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 shall transfer to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the current or 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.
13. The following conditions shall be required in support of County Sustainability Initiatives, Resolution 2007-84:
 - A. Employ water harvesting techniques with site design and grading. Direct roof runoff into landscaped areas using swales and micro basins to irrigate vegetation. Alternatively, use the water conservation techniques of the Pima County Green Building Program. The water-harvesting plan shall be approved by the Development Services Department and the Regional Flood Control District.
 - B. Green building concepts for energy and water conservation, minimizing solid waste, recycling building materials, and reducing greenhouse gases shall be used to the maximum extent possible.
14. Adherence to the sketch plan (Exhibit B) as approved at public hearing, with a restriction that only one additional lot can be created instead of the total of four shown on the plan.

15. 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.
16. 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)."

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

1. Conditions 1 through 16 shall be completed by May 7, 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 16 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.

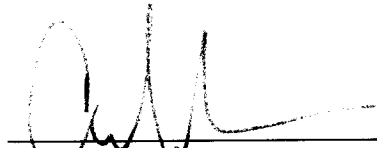
Section 4. The effective date of this Ordinance shall be on the date of the signing of this Ordinance by the Chairman of the Board of Supervisors.

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

Chairman of the Board of Supervisors

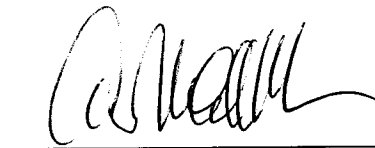
ATTEST:

Clerk, Board of Supervisors



Deputy County Attorney

ANDREW FLAGG



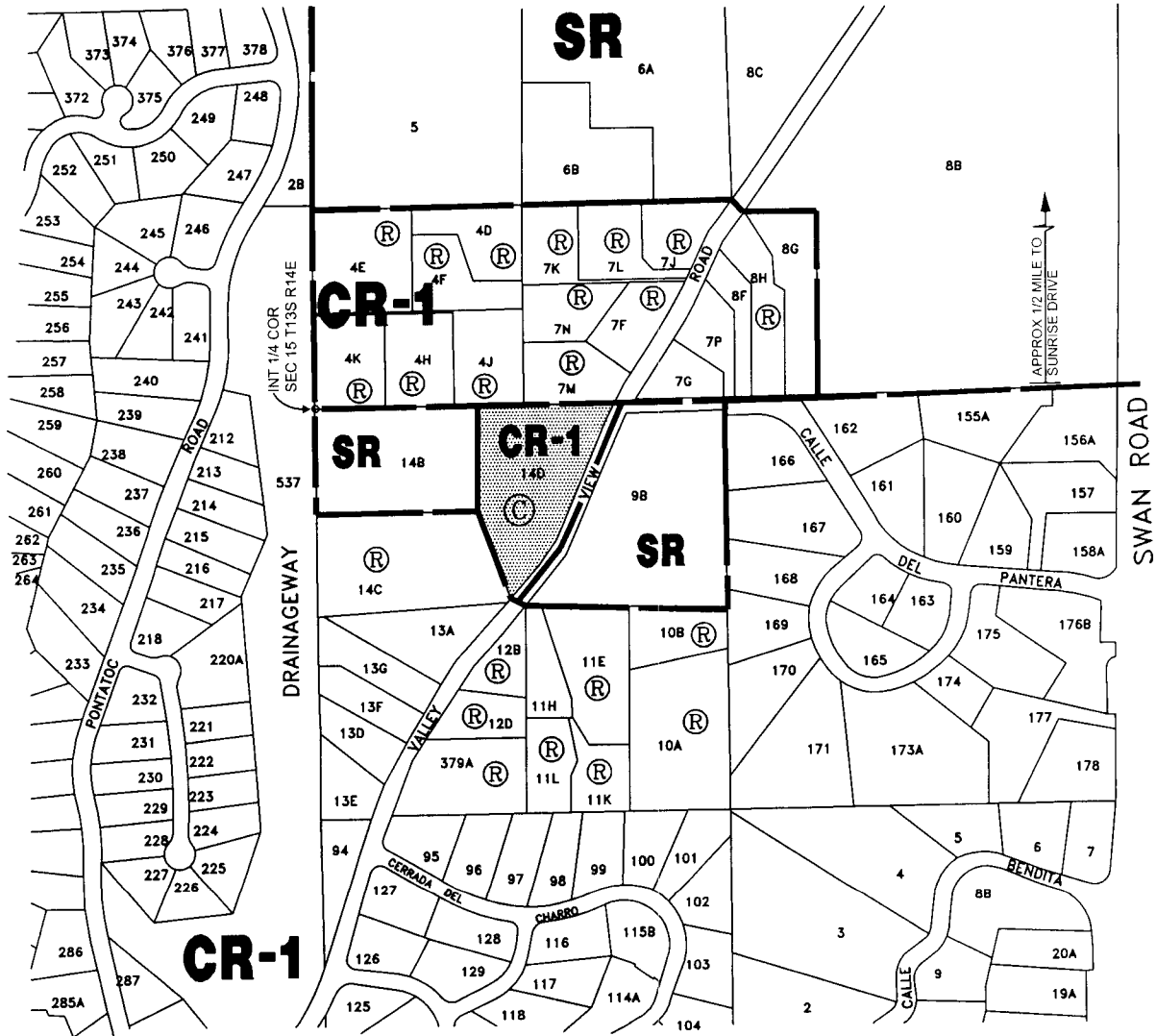
Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 48 TUCSON, AZ.
 PARCEL 14D BEING A PART OF THE NW 1/4 OF THE SE 1/4 OF
 SEC. 15, T 13S R14E.



ADOPTED _____ EFFECTIVE _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SR 3.98 ac±
 ds-JULY 23, 2013

CD9-13-001
 CD13-59-04
 109-13-014D

