

Subject: Co9-13-15

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FOR MARCH 17, 2015 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: March 4, 2015

ORDINANCE FOR ADOPTION

CO9-13-15 **SMITH VIRGIL B REVOC LIVING TR – S. FREEMAN ROAD (EASEMENT)**
REZONING
Owner: Virgil Smith Trust
(District 4)

If approved, adopt ORDINANCE NO. 2015 - _____

OWNERS: Virgil Smith Trust
100 W. Camino Del Emperador
Corona De Tucson, AZ 85641

AGENT: The Planning Center
Kelly Lee
110 S. Church Ste. 6320
Tucson, AZ 85701

DISTRICT: 4

STAFF CONTACT: Terrill Tillman

CP/TT/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-13-15 File

ORDINANCE 2015-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 25 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF SOUTH FREEMAN ROAD (EASEMENT) APPROXIMATELY ONE-HALF MILE SOUTH OF MARY ANN CLEVELAND WAY AND ONE-QUARTER MILE NORTH OF THE UNION PACIFIC RAILROAD, PARCEL CODE 305-07-001D FROM THE RH (RURAL HOMESTEAD) ZONE TO CR-5 (MULTIPLE RESIDENCE) SMALL LOT OPTION ZONE, IN CASE CO9-13-15 SMITH VIRGIL B REVOC LIVING TR – SOUTH FREEMAN ROAD REZONING, AMENDING PIMA COUNTY ZONING MAP NO. 134.

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

Section 1. The 25 acres located on the east side of South Freeman Road (Easement) approximately one-half mile south of Mary Ann Cleveland Way and one-quarter mile north of the Union Pacific Railroad, illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 134, is rezoned from the RH (Rural Homestead) zone to CR-5 (Multiple Residence) Small Lot Option zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record a covenant holding Pima County harmless in the event of flooding.
 - C. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - D. Provide development related assurances as required by the appropriate agencies.
 - E. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to the Pima County prior to the approval of the final plat.

- B. The property owner shall provide paved, legal access to the site, from Mary Ann Cleveland Way.
 - C. Urban street standards shall apply within the rezoning site.
4. 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.
 5. Adherence to the sketch plan as approved at public hearing. (Exhibit B)
 6. 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.
 7. 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)."
 8. 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.
 9. Natural Resources, Parks and Recreation Conditions:
 - A. The developer shall provide decomposed granite trails within the landscape bufferyards, with final width to be determined at time of tentative plat. Alternative parks and recreational features may be substituted for the trail with the approval of Pima County Natural Resources, Parks and Recreation Department.
 - B. When a tentative plat is submitted for this project, a recreation area plan shall be submitted and meet the requirements of 18.69.090.

10. Wastewater 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
- C. 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/developer 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.
- D. 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.
- E. The owner/developer shall connect all development within the rezoning area to Pima
- F. 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.
- G. 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, preliminary sewer layout, sewer construction plan or request for building permit.
- H. 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 ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

11. Regional Flood Control District Conditions:

- A. Prior to development the property owner shall submit to the Pima County Flood Regional Control District for review and approval; a drainage report that addresses the impacts of development to the federally mapped floodplain and local area drainage and to determine maximum encroachment limits, building sites, elevations and setbacks.
- B. Maximum encroachment limits shall be shown on the plat.
- C. Post-development floodplains and flood control improvements shall be set-aside as separate parcels and/or dedicated as right-of-way or easements for drainage and maintenance purposes.

- D. Pima County Regulated Riparian Habitat (including mitigation areas) shall be set-aside as separate parcels and/or dedicated as right-of-way or easements for preservation, mitigation and monitoring purposes to the Pima County Flood Control District and/or the Homeowners Association.
- E. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.

12. Development plans or plats shall be within the densities of the comprehensive plan and applicable zoning ordinance. Final lot configuration and internal subdivision design shall be responsive to the conditions identified in this approval and generally consistent with Exhibit B.

Section 3. Time limits of conditions. Conditions 1 through 12 of Section 2 shall be completed no later than March 11, 2019.

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.

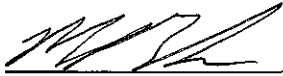
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

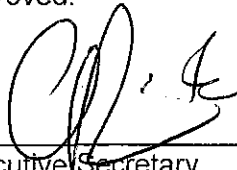
Approved As To Form:



Deputy County Attorney

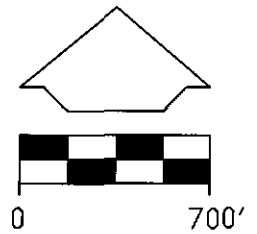
MICHAEL LEBLANC

Approved:

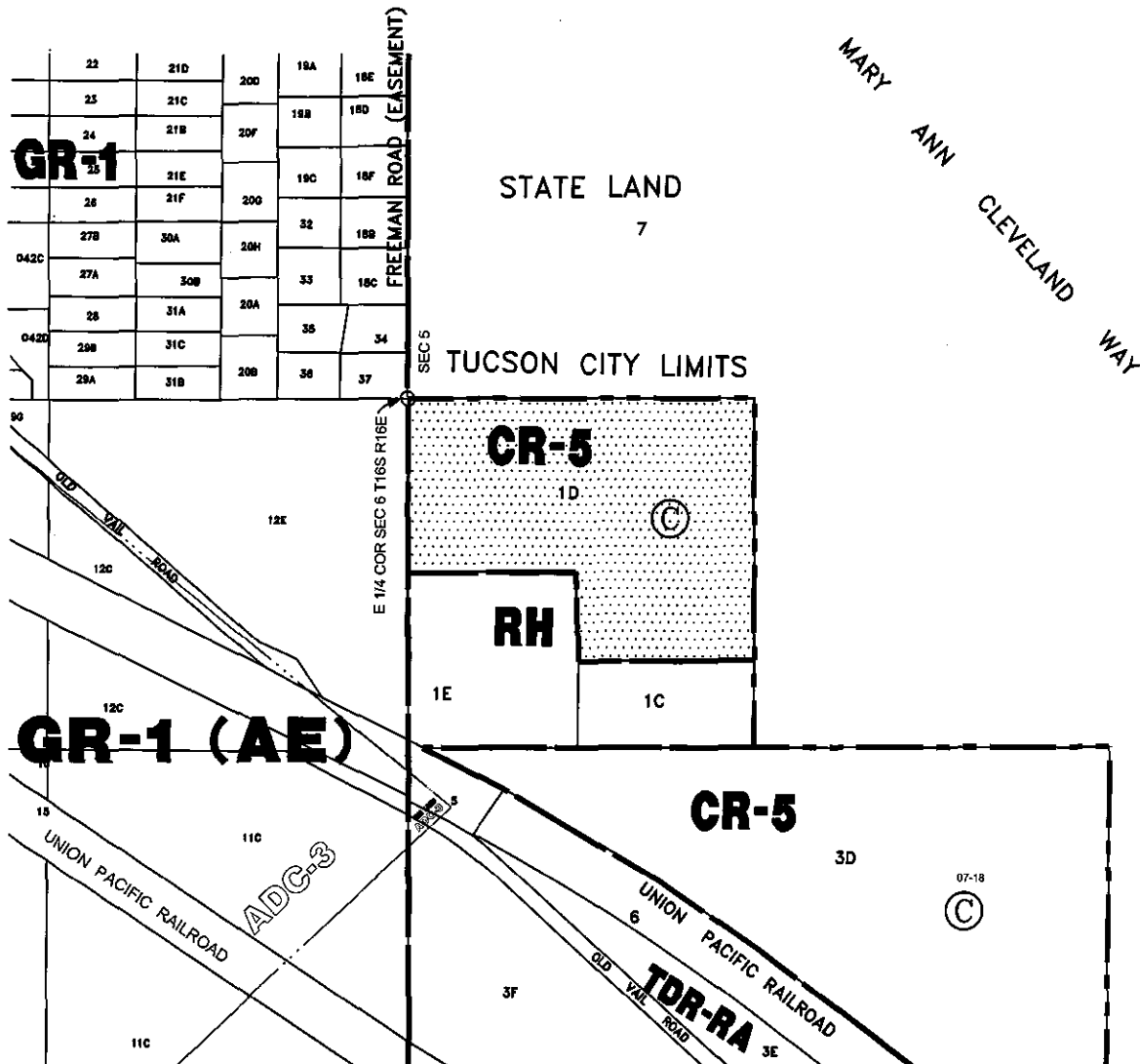


Executive Secretary
Planning and Zoning Commission

EXHIBIT A
 AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 134 TUCSON, AZ.
 PARCEL 1D BEING A PART OF THE NW 1/4 OF THE SW 1/4 OF
 SEC. 5, T16S R16E.



ADOPTED _____ EFFECTIVE _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM RH 25.0 ac±
 ds-JANUARY 22, 2015

CD9-13-15
 CD7-13-01

