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# MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

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**TO:** Honorable Raymond J. Carroll, Supervisor, District # 4

**FROM:** Arlan M. Colton, Planning Director *MC*

**DATE:** June 19, 2013

**SUBJECT:** Co9-13-06 TRUBEE – N. BEAR CANYON ROAD

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JULY 2, 2013** hearing.

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**REQUEST:** A request for a rezoning of approximately **3.3 acres** from **SR (Suburban Ranch)** to **CR-1 (Single Residence)**, on property located on the east side of N. Bear Canyon Road and approximately 1 ¼ miles north of Tanque Verde Road.

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

**AGENT:** None

**DISTRICT:** 4

**STAFF CONTACT:** Janet Emel

**PUBLIC COMMENT TO DATE:** As of June 5, 2013, two letters and one email expressing opposition to the rezoning request have been received. The two letters are from property owners in the CR-1 development to the east and the email is from the owner of the SR-zoned property to the north of the subject site. As of June 12, 2013 two emails from the same property owner to the north have been received. In the emails, the neighbor requests "a wall 6 feet high, at least 175 feet long from west to east on the property line. If a living wall is constructed from west to east with clean landfill, it would have to be 15 – 20 feet wide to support dirt to 6 feet high. Half of the width could be on my property. And another email regarding the provision of a wall stated "should occur before any construction begins" and "a living wall can be planted with desert vegetation". As of June 17, 2013, one letter of support has been received.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** APPROVAL WITH STANDARD AND SPECIAL CONDITIONS, as amended (9 – 0; Commissioner Neeley was absent)

**STAFF RECOMMENDATION:** APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/JE/ar  
Attachments



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# Board of Supervisors Memorandum

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Subject: Co9-13-06

Page 1 of 4

## FOR JULY 2, 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: June 19, 2013

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### ADVERTISED ITEM FOR PUBLIC HEARING

#### REZONING

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

Request of Tanya Trubee for a **rezoning** of approximately **3.3 acres** from **SR (Suburban Ranch) to CR-1 (Single Residence)**, on property located on the east side of N. Bear Canyon Road and approximately 1 ¼ miles north of Tanque Verde Road. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0; (Commissioner Neeley was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**.  
(District 4)

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#### Planning and Zoning Commission Public Hearing Summary (May 29, 2013)

Staff presented the staff report to the commission.

A commissioner asked the name of the nearby school which is Collier Elementary School.

The applicant's representative explained their history with the property, that they have removed the barn and are removing dead and dying vegetation on the site. He addressed several of the issues brought forward in the opposition letters/email such as increased traffic (the rezoning will add only 30 average daily trips [ADT]), loss of wildlife habitat (habitat is not on or abutting this site), concern for well water (the property will have Tucson Water service), and reduced property value (the property value will likely be increased).



A commissioner asked if the adjacent residences rely on septic systems. The applicant's representative responded that the property to the north is on septic, the CR-1 lots to the east are likely connected to sewer, the homes to the south are on septic, and he did not know about the residences to the west. He said that there is no sewer available to the subject property.

A commissioner asked what the minimum setback requirements are for the CR-1 zone. Staff confirmed that the minimum front setback is 30 feet, each minimum side setback is ten feet, and the rear setback is 40 feet.

A commissioner asked if the proposed access will be where there is existing access. The representative responded that it would be the same. The commissioner asked whether the applicant is proposing to build three structures to be sold as individual lots or are these going to be rentals or do they know at this time. The representative responded that the original plan was to build one new structure in the front, continue to have the existing residence in the back, and leave the middle lot vacant or possibly used as a horse facility.

A commissioner asked how far the existing house is from the west boundary of the proposed lot. The representative answered approximately 45 feet.

A commissioner asked if the applicant is going to reside in any of the structures. The representative said that the rental structure has been there for quite a few years and continues to be a rental structure. He said that they do not have a building plan at this time for any other structure. They had, at one time, anticipated rehabbing the existing building but found that is not really an option because of the way it was built in pieces. That structure will likely be removed eventually.

A commissioner reiterated that there is not going to be another structure built immediately which the representative confirmed. The representative said they are requesting to change the zoning in order to put a structure on a lot in the near future, but not immediately. The commissioner commented the applicant's intent is to get the zoning changed and turn the land over. The representative responded that he does not see selling the property in the very near future.

A speaker from the audience (who is the owner of the property to the north of the subject site) spoke. She stated that she has concerns about her well water - with no sewer connection she is worried about contamination. Her second concern is loss of privacy as it is a secluded area now but the rezoning will add more homes, the ingress/egress will go right by her property and any construction will add dust. The speaker stated if this is approved, she requests an eight-foot high stucco wall be built so that she does not have to look at anyone's trash or backyard.

A commissioner asked the speaker if she is on a septic system and she responded yes.

A commissioner asked if the rezoning site is currently vacant or are there people living there. The speaker responded that there are people living in the existing house. The commissioner commented that then the speaker already experiences some activity. The speaker responded yes but the house is on the far southeast side of the proposed rezoning site.

A motion to close the public hearing was approved.

A commissioner asked if there is a reason why the access has to be at the north end or is it just because it has been there and could it be redesigned. Staff said this is where it has been. Other commissioners noted that it would be difficult to change, that it would be closer to another existing residence, and that it is now equidistant between the homes to the north and to the south along Bear Canyon Road. Another commissioner commented that at a different location, the driveway could be longer and create more dust. He stated that the way the proposed lots are laid out, the neighbor to the north has more privacy than with a different configuration.

A commissioner asked if they are approving a plat or a lot split. Staff responded that the rezoning request entails a lot split, but the applicant is not totally restricted to the site plan configuration as proposed, except for the location of the access. Staff added that if there is an element of the submitted site plan important to the Commission, then a condition could be added limiting the layout to the proposed configuration. Staff said that when they determine site plan conformance, they look at access, the number of lots, and any conditions that inform on the importance of the submitted layout. Staff recommends the additional language if there is something special the Commission wants to hold to that layout.

A commissioner suggested a solid or vegetated screen wall. Another commissioner stated that he would support a vegetative screen but not a built wall. He said he thinks that two more units on this property would make it comparable to everything else in the area and he does not buy the privacy argument. A commissioner said he does not want a 270-foot wall; it would be ugly. Another commissioner stated that the request matches the surrounding development except for the one property.

Staff stated that it is possible to add a condition that requires a minimum 50-foot setback from the property to the north.

A commissioner noted that her concern is if the existing house is torn down, the applicant will have a blank slate and can split the property in any way they want.



Staff said the commission could add the language "with strict implementation of the lots as proposed" to the 'adherence to site plan' condition (#10). A commissioner suggested that another condition could be added to the proposed northeast lot requiring a minimum 40-foot setback from the north property line. The commissioner asked the representative if he has any concerns about the amended conditions. He responded that he is not concerned about the minimum setback, but the current configuration was proposed based on the belief that the existing house would remain which is no longer likely to occur. A commissioner commented that if the owner changes the configuration, the commission would like to see it. The representative responded that he could abide by the Commission's decision.

The Commission moved to approve Co9-13-06 subject to the standard and special conditions amended as follows:

Rezoning Condition #10: Adherence to the sketch plan as approved at public hearing 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.

The motion passed 9-0 (Commissioner Neeley was absent).

CP/JE/ar  
Attachments

c: Tanya Trubee, 4403 E. Timrod, Tucson, AZ 85711  
Chris Poirier, Assistant Planning Director  
Co9-13-06 File

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION  
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

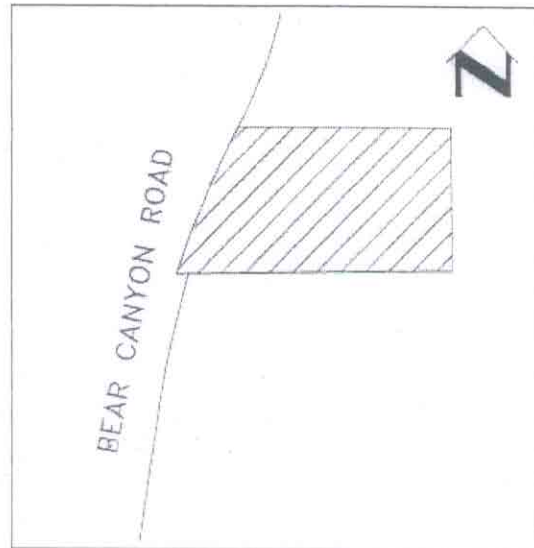
**HEARING**     May 29, 2013

**DISTRICT**     4

**CASE**           Co9-13-06 Trubee – Bear  
Canyon Road Rezoning

**REQUEST**     SR (Suburban Ranch) to  
CR-1 (Single Residence  
Zone) 3.3 acres

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



**APPLICANT'S PROPOSED USE**

"Single family residence/horse property".  
Create two additional lots to the existing  
residence for a total of three lots.

**APPLICANT'S STATED REASON**

"Build new residence/keep existing home."

**STAFF REPORT SUMMARY**

The Development Services Department recommendation is **APPROVAL SUBJECT TO CONDITIONS**. The rezoning site is surrounded on three sides by equivalent development as the applicant proposes and there are no infrastructure concerns.

**COMPREHENSIVE PLAN**

The subject property is designated as Low Intensity Urban 1.2 (LIU 1.2) by the Pima County Comprehensive Plan. A rezoning request to the CR-1 zone complies with the LIU 1.2 designation. There are no regional or special areas policies that apply to the site, nor is the site within a Growth Area.

**MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM  
CLASSIFICATION (MMBCLS)**

The subject property is located outside the MMBCLS.

**SURROUNDING LAND USES/GENERAL CHARACTER**

North	SR	Single-family residential
South	CR-1, SR beyond	Single-family residential, school (beyond)
East	CR-1	Single-family residential
West	CR-1	Bear Canyon Road, Single-family residential

The surrounding neighborhood has developed as relatively low-density residential, with Collier elementary school further south of the subject property. The property is surrounded on all but one side (north) by the CR-1 zone.

**PUBLIC COMMENT**

Staff has not received any comments at the time of this writing.

**PREVIOUS REZONING CASES ON PROPERTY** None.

**PREVIOUS REZONING CASES IN GENERAL AREA**

Co9-06-25 De La Ossa – N. Bear Canyon Road Rezoning (*Located southwest of subject property across Bear Canyon to the west*)

Five acres of SR to CR-1 to create 3 lots. Approved subdivision plat submitted meeting the condition of the Agua Caliente-Sabino Creek Zoning Plan (*now rescinded*) to attain CR-1 zoning. Ordinance approved 2/19/08 (Ord. 2008-13).

Co9-00-32 Kelm – Bear Canyon Road Rezoning (*Located immediately south of subject property*)

Three and one-third acres of SR to CR-1 to create 3 lots. Approved Waiver of Platting Requirement meeting the condition of the Agua Caliente-Sabino Creek Zoning Plan (*now rescinded*) to attain CR-1 zoning. Ordinance approved 1/16/01 (Ord. 2001-09).

Other nearby rezonings from SR to CR-1 occurred in the 1960's and 1970's.

CONCURRENCY CONSIDERATIONS		
<i>Department</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	Conditions recommended
FLOOD CONTROL	Yes	No conditions recommended
WASTEWATER/ ENVIRONMENTAL QUALITY	NA/ Septic systems proposed	Environmental Quality condition recommended
PARKS AND RECREATION	NA	No condition recommended

**PLANNING REPORT**

The request is to rezone 3.3 acres from SR (Suburban Ranch) to CR-1 (Single Residence) to allow three lots. The subject property has an existing residence and barn. The residence will remain on one of the proposed lots while the barn will be removed. The subject property is located on the east side of Bear Canyon Road, approximately 1.25 miles north of Tanque Verde Road.



There will be one access point for all three lots off of Bear Canyon Road. Dedication of 45 feet of right-of-way along the west boundary of the subject property for Bear Canyon Road is a condition of the rezoning (#7A). Bear Canyon Road is a designated Major Street and Scenic Route and therefore will require a minimum 30-foot building setback from the property line after the required dedication of right-of-way. The portions of the proposed lots within 200 feet of the dedicated right-of-way will be subject to the scenic route requirements of Pima County Zoning Code Section 18.77.040 (e.g. structures to be earth tone in color, 24-foot residential height limit).

The proposed residences will rely on septic systems. The lots shall meet the minimum lot size required to use septic systems; portions of the right-of-way may count towards the calculation of lot area for septic use. The attached letter from the City of Tucson Water Department states that they will provide water service to the rezoning site. Tucson Unified School District responded that they have no concerns as all three schools (elementary, middle, and high school) are under capacity. The site does not include FEMA or local floodplains and there is no Pima County regulated riparian habitat. No Regional Flood Control District conditions are proposed.

Large portions of the subject property have been graded so any revegetation of the proposed lots that may occur with additional residential development would be an improvement.

#### **TRANSPORTATION REPORT**

Within a one mile radius of the proposed rezoning, and immediately adjacent, roads are operating at or below capacity; therefore, staff has no objection to the request subject to conditions.

The property is on the east side of Bear Canyon Road midway between Tanque Verde Road and Snyder Road. The site has approximately 300 feet of frontage on Bear Canyon and one access is proposed near the north property boundary. The proposed CR-1 zoning with three, single-family lots could generate approximately 30 average daily trips (ADT).

Bear Canyon Road is a paved, two-lane, urban collector between Tanque Verde Road and Snyder Road and continues as a local road, north of Snyder Road. It is designated a scenic and major route with 150 feet planned right-of-way per the Major Streets and Scenic Routes Plan. Bear Canyon Road has varying existing right-of-way between 60 and 150 feet. To provide for the planned 150 right-of-way, 45 feet right-of-way dedication is recommended as a condition of the rezoning. There is also a building setback of 105 feet from centerline of planned right-of-way per the Major Streets and Scenic Routes Plan. Structures will need to be 75 feet from the existing right-of-way (30 feet from property line after right-of-way dedication). Bear Canyon Road has a posted speed limit of 40 mph and the most recent traffic count from 2011 is 6,200 average daily trips (ADT). There is no record of high accident rates in this area. Recent improvements added bicycle lanes in 2011 between Tanque Verde Road and Snyder Road. There is a bicycle path from Tanque Verde Road to the school located south of this site and

striped shoulder bike lanes north to Snyder Road and adjacent to the rezoning. The traffic capacity of Bear Canyon Road is approximately 15,500 ADT.

#### **REGIONAL FLOOD CONTROL DISTRICT REPORT**

The site does not include FEMA or local floodplains, no Pima County Regulated Riparian Habitat is located within the site, and no drainage complaints or violations are associated with this parcel. RFCD has no objection to this request or special conditions to recommend.

#### **WASTEWATER MANAGEMENT REPORT**

The existing residence on the property is served by private on-site sewage disposal system.

Approval of the rezoning would allow a lot split and construction of additional units on the property. Future development on the property will likely be served by new private on-site septic system.

The PCRWRD has no objection to the proposed rezoning but notes that the owner/developer will need to secure approval from the Pima County Department of Environmental Quality to install additional on-site septic systems.

#### **ENVIRONMENTAL QUALITY REPORT**

The rezoning request has been reviewed for compliance with Department of Environmental Quality requirements for on-site sewage disposal and air quality.

The department has no objection to the proposed rezoning provided the following: As a condition of rezoning, 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.

The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.

#### **CULTURAL RESOURCES REPORT**

The following condition applies: 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.

**NATURAL RESOURCES, PARKS AND RECREATION REPORT:**

The department has no comment on this rezoning request.

**TUCSON UNIFIED SCHOOL DISTRICT:**

See attached comments.

**TUCSON WATER:**

See attached comments.

**RURAL/METRO FIRE DEPARTMENT:**

See attached comments.

**UNITED STATES FISH AND WILDLIFE REPORT:**

No comments received to date.

**IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:**

Completion of the following requirements within **five** years from the date the rezoning request is approved by the Board of Supervisors:

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.
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.

Respectfully Submitted,

Janet Emel  
Janet Emel, Senior Planner



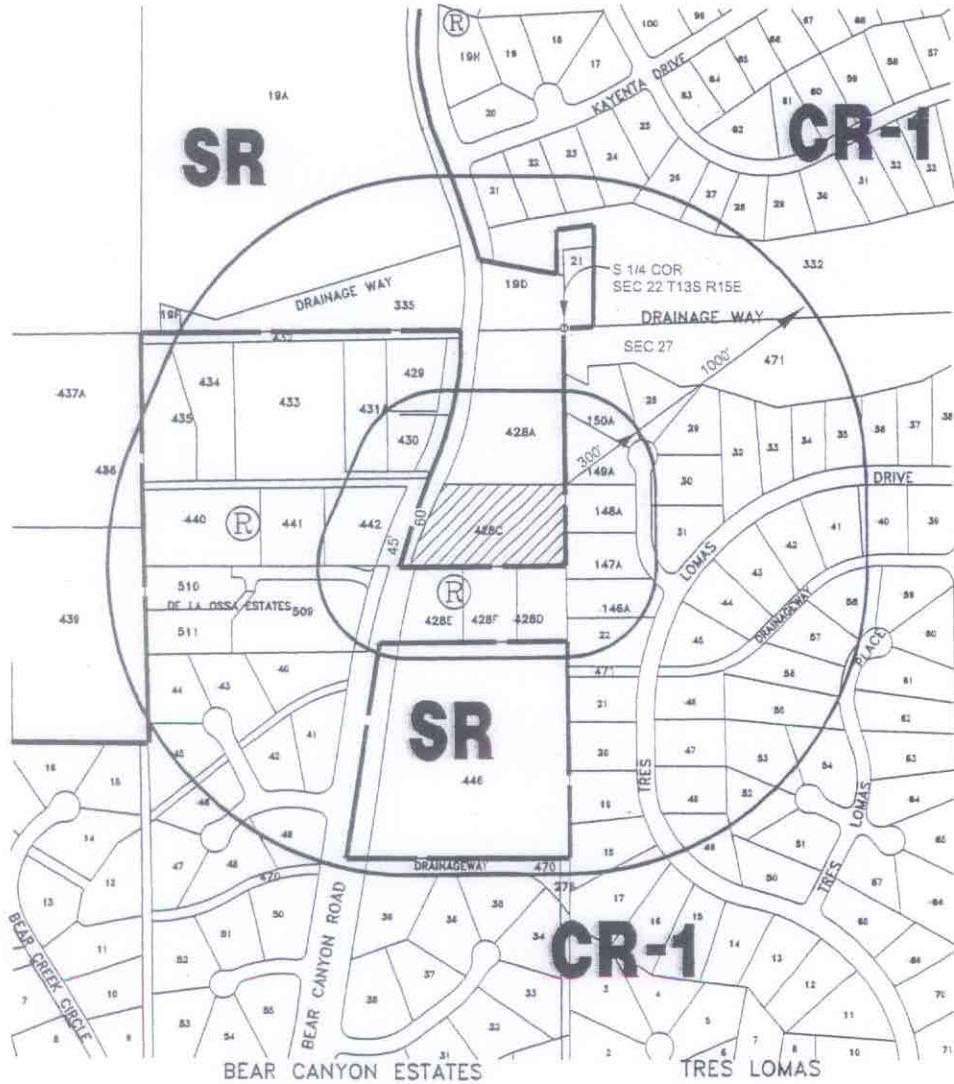
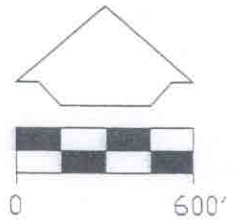


2012

C09-13-06 TRUBEE — BEAR CANYON ROAD REZONING



# PIMA COUNTY COMPREHENSIVE PLAN (C07-00-20)



Area of proposed rezoning from **SR to CR-1**



Notification area \_\_\_\_\_

BASE MAP 51

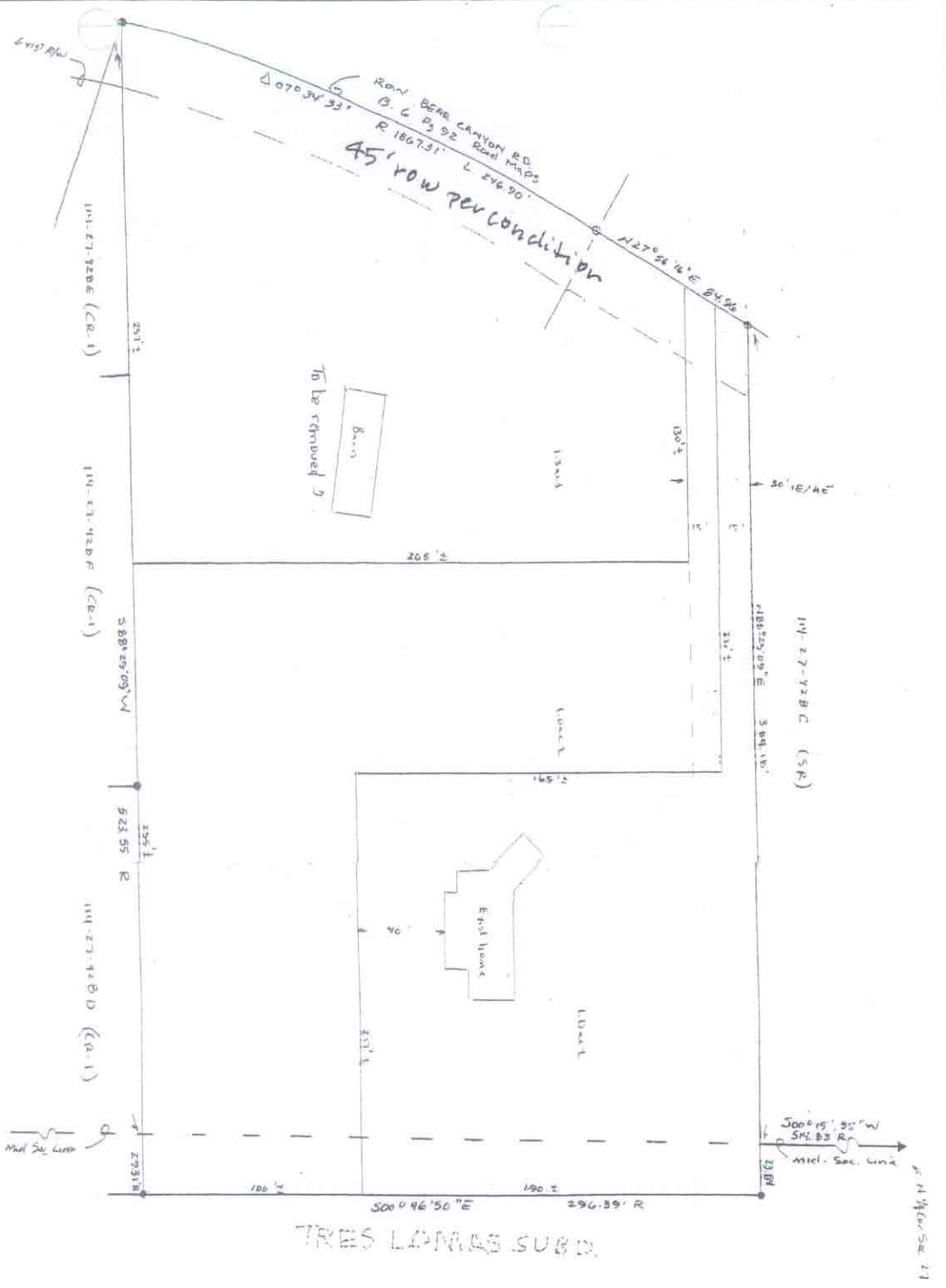
Notes \_\_\_\_\_

Tax codes 114-27-428C

Date 04/30/13  
Drafter DS

File no. C09-13-006  
TRUBEE  
BEAR CANYON ROAD REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



TREES LAMAS SUBD.

114-27-92BC  
OWNER: Tanya R. Thibodeau  
Zone: SE

W: Howard Brown Enclave  
1103 E Timrod St.  
Tucson, AZ 85711  
PH: 520-408-6695

EXHIBIT	
Parcel	114-27-112BC
Portion of Section 27, T13S, R15E, G1SE BLM, Pinal County, Arizona.	
3870 N BEAR CANYON RD.	
March 2018	



**TUCSON UNIFIED SCHOOL DISTRICT**  
Department of Engineering, Facilities and Planning  
Planning Services Section  
2025 East Winsett Street  
Tucson, Arizona 85719  
(520) 225-4949  
(520) 225-4939 (fax)



**To:** Janet Emel, Senior Planner

**From:** Shaun Brown  
Planning Technician

**Date:** April 10, 2013

**Re:** Case/Project #: Co9-13-06  
Project Name: Turbee N. Bear Canyon Road  
New Units: 3

IMPACTED SCHOOLS	CAPACITY	PROJECTED 2016 ENROLL	ADDITIONAL STUDENTS FROM PROJECT	PROJECTED ENROLL WITH PROJECT	STUDENTS EXCEEDING CAPACITY
Collier Elementary	390	189	1	190	-200 / -51%
Magee Middle	720	610	0	610	-110 / -15%
Sabino High	1950	940	1	941	-1009 / -52%

Response:

Based on projected enrollment at TUSD there is capacity to absorb the impact of proposed three single family residence. There would be no impact to the schools above.

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**From:** Brown, Shaun <Shaun.Brown@tusd1.org>  
**Sent:** Wednesday, April 10, 2013 10:01 AM  
**To:** Janet Emel  
**Subject:** RE: Request for rezoning Co9-13-06 review comments and conditions  
**Attachments:** Pima County New Rezoing N. Bear Canyon Road (Co9-13-06).doc

Janet Emel,

Per your request please see attachment for the proposed rezoning. TUSD has no concerns for the proposed three signal family ranch houses.

Shaun Brown  
Planning Technician  
GIS & Planning Services  
E-mail: [Shaun.Brown@tusd1.org](mailto:Shaun.Brown@tusd1.org)  
Phone: 520-225-4767  
Fax: 520-225-4939





CITY OF  
TUCSON  
TUCSON WATER  
DEPARTMENT

March 26, 2013

Tanya R Trubee  
4403 E Timrod  
Tucson, AZ 85711

Attn: Tanya R Trubee

SUBJECT: Water Availability for project: 3870 N Bear Canyon Rd, APN: 11427428C, Case #: N/A, T-13, R-15, SEC-27, Lots: 9999, Location Code: UNI, Total Area: 2.8ac, Zoning: SR

#### WATER SUPPLY

Tucson Water will provide water service to this project based on the subject zoning of the above parcels. Tucson Water has an assured water supply (AWS) designation from the State of Arizona Department of Water Resources (ADWR). An AWS designation means Tucson Water has met the criteria established by ADWR for demonstration of a 100-year water supply – it does not mean that water service is currently available to the subject project.

#### WATER SERVICE

The approval of water meter applications is subject to the current availability of water service at the time an application is received. The developer shall be required to submit a water master plan identifying, but not limited to: 1) Water Use; 2) Fire Flow Requirements; 3) Offsite/Onsite Water Facilities; 4) Loops and Proposed Connection Points to Existing Water System; and 5) Easements/Common Areas.

Any specific area plan fees, protected main/facility fees and/or other needed facilities' cost, are to be paid by the developer. *If the existing water system is not capable of meeting the requirements of the proposed development, the developer shall be financially responsible for modifying or enhancing the existing water system to meet those needs.*

*This letter shall be null and void two years from the date of issuance.*

Issuance of this letter is not to be construed as agency approval of a water plan or as containing construction review comments relative to conflicts with existing water lines and the proposed development.

If you have any questions, please call New Development at 791-4718.

Sincerely,

Scott Schladweiler, P.E.  
Engineering Manager  
Tucson Water Department

SS:mg  
CC:File



NEW DEVELOPMENT • P.O. BOX 27210 • TUCSON, AZ 85726-7210  
(520) 791-4718 • FAX (520) 791-2501 • TTY (520) 791-2639 • [www.cityoftucson.org](http://www.cityoftucson.org)





# Rural/Metro Fire Department

www.rmfire.com

April 17, 2013

Pima County Development Services Department  
Planning Division  
201 N. Stone Avenue, Second Floor  
Tucson, AZ 85701  
Attn.: Janet Emel, Senior Planner

RE: Case Co9-13-06 Trubee – N. Bear Canyon Road Rezoning (Parcel #114-27-428C)

Dear Janet,

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and has the following comments for the rezoning:

1. Under Section A of the Proposed Land Use #6  
The new easement shall be an all weather drive surface that complies with the requirements of the 2003 International Fire Code.

If I can be of any further assistance on this matter you may contact me at 297-1242.

Sincerely,

William F. Treatch  
Deputy Fire Marshal/Battalion Chief  
Rural/Metro Fire Department

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490 West Magee Road	Tucson, Arizona 85704
Phone (520) 297-3600	Fax (520) 797-1825
Toll Free (866) 411-7633	

PIMA COUNTY PLANNING DIVISION  
APPLICATION FOR REZONING  
FOR PROJECTS NOT REQUIRING A SITE ANALYSIS

AZTRUBEE@MSN.COM

TANYA R. TRUBEE 4403 E TIMROD T/AZ85711 275-4094  
Owner Mailing Address Email Address/Phone daytime / (FAX)

Applicant (if other than owner) Mailing Address Email Address/Phone daytime / (FAX)  
ATTACHED 3870 N. BEAR CANYON T/AZ85749 114-27-428C  
Legal description / property address Tax Parcel Number  
3.3 SR CR-1 CATALINA FOOTHILLS LHM.2  
Acreage Present Zone Proposed Zone Comprehensive Plan Subregion / Category / Policies

The following documentation must be attached:

1. Assessor's map showing boundaries of subject parcel and Assessor's Property Inquiry (APIQ) printout showing current ownership of subject parcel. DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED. If the applicant is not shown as the owner of the subject parcel a letter of authorization with a signature matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, a signature of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, a signature from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit a sketch plan in accordance with Chapter 18.91.030.E.1.a. & b of the Pima County Zoning Code. Submit a detailed description of the proposed project, including existing land uses, the uses proposed and to be retained, special features of the project and existing on the site (e.g., riparian areas, steep slopes) and a justification for the proposed project. Include any necessary supporting documentation, graphics and maps (all documentation should be legible and no larger than 8.5" X 11").
3. Submit three (3) copies of the Biological Impact Report.
4. Submit the entire rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

3-11-13

Date

Tanya R. Trubee  
Signature of Applicant

FOR OFFICIAL USE ONLY

TRUBEE - N. BEAR CANYON ROAD		CO9-13-06		CO9-13-06	
Case name	SR	CR-1	51	3889.00	4
Rezoning from	NONE	Rezoning to		Fee	Supervisor District
Conservation Land System category					
CO7-00-20		Cat. Ptmins		LHM.2 NA	
Cross reference: Co9-, Co7-, other		Comprehensive Plan Subregion / Category / Policies			
Received by	KE	Date	3/18/13	Checked by	DS
		Date	3/19/13		

RECEIVED  
MAR 18 2013



Co9- 13-D6

PIMA COUNTY  
REZONING IMPACT STATEMENT

Please answer the following questions **completely**; required hearings may be delayed if an adequate description of the proposed development is not provided. Staff will use the information to evaluate the proposed rezoning. Additional information may be provided on a separate sheet.

NAME (print) TANYA R. TRUBEE

NAME OF FIRM (if any) \_\_\_\_\_

INTEREST IN PROPERTY OWNER

SIGNATURE Tanya R. Trubee DATE 3-11-13

A. PROPOSED LAND USE

1. Describe the proposed use of the property.

Single family residency / horse prop

2. State why this use is needed.

build new residence / keep existing home

3. If the proposed use is residential, how many **total residential units** would there be on the property to be rezoned? Will these be detached site-built homes, manufactured homes, or another type?

Total units: 3 Type: SFR

4. Will the subject property be split into additional lots? ☒ YES ☐ NO (circle one)

5. How many **total lots** are proposed to be on the property to be rezoned, and what size in acres will each lot be?

3 lots of 1 acre each

6. If more than **one** lot would be created by this rezoning, how will all-weather access be provided to these lots from a dedicated public road? (e.g. direct access, existing easement, new easement, etc.)

New easement - 1 entrance for all 3 lots

7. What is the maximum proposed building height?

27 feet and 2 stories

8. Provide an estimate of when proposed development will be started and completed.

Starting date: start 2013 Completion date: complete?

9. If the proposed development is commercial or industrial:

a. How many employees are anticipated? N/A  
b. How many parking spaces will be provided? N/A  
c. What are the expected hours of operation? \_\_\_\_\_

- d. Will a separate loading area be provided? N/A  
e. Approximate size of building (sq. feet)?

10. a. For commercial or industrial developments, or residential developments of three residences per acre or greater, state which bufferyards are required, according to Chapter 18.73 (Landscape Standards) of the Zoning Code.

N/A

- b. Describe the buffer choice that would be provided (e.g.: buffer width, use of walls, or type of plant material) to meet the Code requirement. Refer to Chapter 18.73 of the Zoning Code.

N/A

11. If the proposed development is an industrial project, state the industrial wastes that will be produced and how they will be disposed of. (Discuss the means of disposal with the Wastewater Management Department at 740-6500 or the Department of Environmental Quality at 740-3340.)

N/A

B. SITE CONDITIONS - EXISTING AND PROPOSED

1. Are there existing uses on the site? ☒ YES ☐ NO

- a. If yes, describe the use, stating the number and type of dwelling unit, business, etc.

1 single family house - 1 barn to be removed

- b. If no, is the property undisturbed, or are there areas that have been graded?

N/A

2. If the proposed rezoning is approved, will the existing use be removed, altered, or remain as is?

Barn to be removed, house to stay

3. Are there any existing utility easements on the subject property? ☒ YES ☐ NO ←

If yes, state their type and width, and show their location on the sketch plan.

No existing easements

4. Describe the overall topography of the subject property, and note whether any slopes of greater than 15% are present on the property. Note any rock outcropping or unusual landforms or features.

less than 1% slope

5. Note any areas of heavy vegetation on the sketch plan and describe its type and general density.

no heavy vegetation

6. Conservation Land System (CLS):

- a. Is the subject property within the MMB Conservation Land System (see Attachment A)?

Yes ☒ No

- b. If so, which of the following does the subject property fall within, and if more than one, provide the approximate percentage of the site within each?

Important Riparian area, Biological Core, Multiple Use, Special Species Management area, or Recovery Management area, or Existing Development within the CLS.

7. How has the plan for the rezoning met the conservation standard for the applicable category area?

N/A

8. Are there any natural drainageways (washes) on the subject property? YES ☒ NO

If yes, state whether these natural drainage patterns would be altered by the proposed development, and what type of alteration is proposed.

(NOTE: For information regarding flood control requirements, call the Regional Flood Control District, 243-1800.)

9. Approximately how much of the subject property is proposed to be graded, including areas where most vegetation will be cleared? 0.5 Acres, or 15 percent of the land area. How much of this area is currently graded? all

10. Describe any revegetation proposal in areas where development would require removal of natural vegetation.

N/A

11. For rezonings larger than 3.3 acres (144,000 square feet) or for more than one residential unit per 3.3 acres: N/A

- a. Is the subject property elevation less than 4,000 feet?

NO YES

- b. Are there any saguaros on the subject property that are eight feet or taller or that contain a woodpecker cavity? If yes, how many?

NO YES

Number: Over 8 feet: \_\_\_\_\_ under 8 feet with cavity: \_\_\_\_\_

- c. Are there any mesquite trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES

Number: \_\_\_\_\_



- d. Are there any Palo Verde trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: \_\_\_\_\_

- e. Are there any ironwood trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: \_\_\_\_\_

- f. Have any Cactus Ferruginous Pygmy Owls been found on the subject property or within 1,500 feet of the proposed development project as a result of an Owl Habitat Survey?

- \_\_\_ 1) No survey has been done.  
\_\_\_ 2) No owls were found as a result of a survey performed on \_\_\_\_\_ (date).  
\_\_\_ 3) \_\_\_ (Number of) owls were found as a result of a survey performed on \_\_\_\_\_ (date).

11. Will a septic system or public sewer be used for the proposed development?

SEPTIC SEWER

If septic is to be used, state whether one currently exists on the property and, if so, whether additions to that system will be needed for this development. (NOTE: For information on septic system requirements, call the Department of Environmental Quality at 740-3340.)

One exists 2 new will be constructed  
as needed.

12. How will water be supplied to the property? If a water company, state which one.

Tucson Water Co.

C. SURROUNDING LAND USE

Describe in detail adjacent and nearby existing land uses within approximately 500 feet of the subject property in all directions.

NORTH: SR

SOUTH: CR-1

EAST: CR-1

WEST: CR-1

# Current 2013 Pima County Assessor Property Inquiry

Search Parcel2014 Parcel2012 History Residential Notice Card Tax *TaxBill*

## Summary Genealogy PRC

PARCEL 11427428C [Go]

Appraiser Rene James

[ADD SP CHK] SPECIAL CHECK HELP

Book-Map-Parcel: 114-27-428C

TaxArea: 0100

TaxYear: 2013

TaxPayer Information

Recording Information

TRUBEE TANYA R

Sequence 20041150948 Docket 12323 Page 4916

4403 E TIMROD

Date Jun-15-2004

TUCSON AZ

WARRANTY DEED

85711 0000

Miscellaneous

Section 27 Twn13.0S Rng15.0E

~~Private Property~~

LandMeasure 3.30A

Description

MarketArea: TANQUE VERDE NORTH (13)

Rule B District 5

PTN E523.55' S296.39' N811.22' E2 NW4 LYG ELY OF  
BEAR CANYON RD. & PTN OF LOTS 24,25,26 TRES

Tract Block Lot

GroupCode

CensusTract 4024 UseCode 0132 File-Id 1

2000 CensusTract 004053

LOMAS SUB ADJ THERETO 3.30 AC SEC 27-13-15

Date of Last Change Oct-22-2009

Property Address 3870 N BEAR CANYON RD (PC)

SFR GRADE 010-3 URBAN NON-SUBDIVIDED

Secondary Valuation Data

LegislativeClass

FullCash

Percentage

Assessed

Land Res Other(4 0)

Improvements Res Other(4 0)

2013 Personal Property

Gross Value Totals

\$176,173

10.0

\$17,617

2013 LMTD/SCND Exemptions

Net Value Totals

\$176,173

10.0

\$17,617

Prior Limited Value: \$199,058

Current R.E. Ltd Value: \$176,173

Areas Condo Market 13

SFR District 7

SFR Neighborhood 01003401

MFR Neighborhood Undefined

DOR Market 5

Supervisor District ( 4 ) RAY CARROLL

Recordings	Sequence #	Docket	Page	Instrument
	94007308	9707	1742	()
	20040830921	12291	5234	(QUIT CLAIM DEED)
	20041150947	12323	4913	(QUIT CLAIM DEED)

TIC 2010

Affidavit of FeeNumber	Parcels	SaleDate	PropertyType	TimeAdjSale\$	Sale\$	Cash\$	Validation
Sale 20041150948	1	04 2004	Single Family	\$300,000	\$300,000	N	X SKD
IntendedUSE: Rental DEED: Warranty Deed 0 ( X = Good Sale )							
20040830921	1	04 2004	Single Family	\$250,000	\$250,000	N	X SMS





## Comprehensive Plan Land Use Designation

### Low Intensity Urban (Low Intensity Urban 1.2)

- a. Purpose: To designate areas for low density residential and other compatible uses; to provide incentives for clustering residential development and providing natural open space; and to provide opportunities for a mix of housing types throughout the region.
- b. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Projects utilizing any of the cluster options set forth in this section shall conform with the provisions of Section 18.09.040 Cluster Development Option. Residential gross density shall conform with the following:

#### Low Intensity Urban 1.2 ('LIU-1.2' or 'C-1.2' on the Land Use Plan Maps)

- (a) Minimum - none
  - (b) Maximum - 1.2 RAC. The maximum gross density may be increased in accordance with the following cluster options:
    - (i) Gross density of 2.5 RAC with 30 percent cluster open space, plus 15 percent natural open space; or
    - (ii) Gross density of 4.0 RAC with 30 percent cluster open space, plus 30 percent natural open space.
- c. Zoning Districts
- 1) Within **Low Intensity Urban 1.2**, only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
    - (a) GC Golf Course Zone
    - (b) SR Suburban Ranch Zone
    - (c) SR-2 Suburban Ranch Estate Zone
    - (d) SH Suburban Homestead Zone
    - (e) CR-1 Single Residence Zone
    - (f) CR-2 Single Residence Zone
    - (g) CR-3 Single Residence Zone
    - (h) CR-4 Mixed-Dwelling Type Zone
    - (i) CR-5 Multiple Residence Zone
    - (j) CMH-1 County Manufactured And Mobile Home-1 Zone
    - (k) MR Major Resort Zone

TO: Pima County Development Services Department

May 13, 2013

Planning Division

201 N. Stone Ave. (2<sup>nd</sup> Floor)

Tucson, Arizona 85701

FROM: Mr. and Mrs. John A Plaisted

3961 N. Placita Sabino

Tucson, Arizona 85749

RECEIVED  
MAY 16 2013

BY: TE

SUBJECT: Written Protest of proposed rezoning of property

REFERENCE: Co-13-06 TRUBEE—N. BEAR CANYON ROAD

Those Concerned;

I am writing this letter to express opposition to modify the zoning of the above described property from SR (3.3) acres to CR-1 (Single Residence). Please consider the following.

- This property was purchased recently as a 3.3 acre SR. It was derived from a 10 plus acre original homestead property. It is a short distance (south) from a natural drainage and wild life Habitat. Increasing the density of population in that area will have a definite negative impact on the biological balance maintained along the drainage and nearby public mesquite bosque.
- As this property is adjacent to Bear Canyon Road, vehicles moving to and from these properties are required to travel on a hazardous part of this road. If you review the curvature of the road in this area, you will notice, to move traffic into the city, one must go south on Bear Canyon Road. There are two curves obstructing the view of vehicles exiting the Tres Lomas sub-division. These access roads are at Calle Noche and Indian Canyon Road. In my 38 years as a resident at my given address, I am aware of numerous auto accidents as well as injury and death to area residents and wild life. To increase the number of vehicles traveling along this strip of road may increase the number of these incidents.
- For these and other reasons, my wife and I are opposed to the modification of this property from SR to CR-1

Regards,

John And Sharon Plaisted

RECEIVED  
MAY 14 2013

5/13/13

BY: He

To PLANNING & Zoning

RE: C09-13-06 TRUBEE-N. BEAR CANYON Rd

I do NOT Agree with this  
REZONING.

When we purchased our home at  
3941 N. PLACITA SABINO in 1980  
the "Held" property was 10-11 ACRES Zoned  
SR. The south 3-3 was changed  
to CR1 & 3 HOMES were built.  
NOW the NEXT 3-3 might be  
split NO NO NO. Then what?  
The LAST GETS split? From  
A nice 1 Home on 10 ACRES to  
9 HOMES? Crazy why HAVE SR  
AT ALL. This would be more  
noise, cars bad IDEA!!

George PALMER-

918-5155



Janet Emel

From: zoniedavis <zoniedavis@yahoo.com>  
Sent: Tuesday, May 21, 2013 2:44 PM  
To: Janet Emel  
Subject: File no c09-13-006

Item  
#5

I own the property to the north and rezoning Trubee to cr-1 would ruin my property of SR for many reasons

# 1. Privacy

2. reduce the value of property

3. possible damage to the underground water resource that supplies my well

I oppose the rezoning

JOANN KELM DAVIS

Sent from my Galaxy SIII

From the property owner to the north of the rezoning site

---

**From:** zoniedavis <zoniedavis@yahoo.com>  
**Sent:** Thursday, June 13, 2013 5:18 PM  
**To:** Janet Emel  
**Subject:** RE: FW: TRUBEE rezoning

I am requesting a wall 6'high/at least 175 ft long / from W. To E. on property line

If a Living Wall is constructed from W. To E. With clean landfill. ..It would have to be 15ft to 20' wide to support dirt to 6' high

Half of the width could be on my property

Thanks

JoAnn Davis

Sent from my Galaxy SIII

---

**From:** zoniedavis [mailto:zoniedavis@yahoo.com]  
**Sent:** Tuesday, June 04, 2013 1:03 PM  
**To:** Chris Poirier  
**Subject:** TRUBEE rezoning

I want to preserve the beauty and integrity of parcel ID 114-27-428A without compromise. I am requesting that a wall, either block or a living wall 6' high 20' wide, be in place before any construction begins. Wall should be placed on property line.

The living wall can be composed of clean landfill and planted with desert vegetation.

My property has been in the family since 1943

Thank you

JoAnn Davis

Sent from my Galaxy SIII



June 14, 2013

Pima County Development Services

Board of Supervisors Hearing Room

First Floor, Administration Bldg.

130 west Congress St.

Tucson, AZ 85701



Subject: Rezoning Co9-13-06

To whom it may concern,

I, as a property owner with property within the notification area of 114-27-428C, have no objection to the proposed request by Ms. Tanya Trubee to rezone the 3.3 Acres for SR Suburban Ranch to CR-1 Single Residence on the property located on the east side of N. Bear Canyon Road and approximately 1 ¼ mile north of Tanque Verde Road. As the proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20.

Respectfully,

William Mossbarger

3751 N. Tres Lomas Drive

Tucson, AZ 85749