



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan Colton, Planning Director

A handwritten signature in black ink, appearing to be "AMC", is written over the name "Arlan Colton".

DATE: April 24, 2013

SUBJECT: Co9-13-01 2006 RUPPRECHT FAMILY TR -VALLEY VIEW ROAD
ZONING PLAN PLAT WAIVER

The above referenced Waiver of Platting Requirement is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MAY 7, 2013** hearing.

REQUEST: The applicant requests a rezoning of approximately 3.98 acres from **SR (Suburban Ranch)** to **CR-1 (Single Residence)** on property located approximately one-half (1/2) mile south of Sunrise Drive on the west side of Valley View Road.

OWNERS: 2006 Rupprecht Family TR
5155 North Valley View Road
Tucson, AZ 85718-6120

AGENT: Hugh and Melanie Rupprecht
5155 North Valley View Road
Tucson, AZ 85718-6120

DISTRICT: 1

STAFF CONTACT: Daniel Signor

PUBLIC COMMENT TO DATE: No written public comment has been received to date.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL
SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

STAFF RECOMMENDATION: APPROVAL SUBJECT TO 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/DS/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-13-01

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FORTUESDAY, MAY 7, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan Colton, Planning Director
Public Works-Development Services Department-Planning Division

DATE: April 24, 2013

UNADVERTISED ITEMS FOR PUBLIC HEARING

WAIVER OF THE PLATTING REQUIREMENT

Co9-13-01 2006 RUPPRECHT FAMILY TRUST – VALLEY VIEW ROAD REZONING (CATALINA FOOTHILLS ZONING PLAN WAIVER OF PLATTING REQUIREMENTS)

Request of Hugh and Melanie Rupprecht for a waiver of the platting requirements of the Catalina Zoning Plan. The applicant requests a rezoning of approximately 3.98 acres from **SR (Suburban Ranch)** to **CR-1 (Single Residence)** on property located approximately one-half (1/2) mile south of Sunrise Drive on the west side of Valley View Road. The proposed rezoning substantially conforms to the Pima County Comprehensive Plan (Co7-00-20). On motion, the Planning and Zoning Commission voted 8-2 (Commissioners Membrila and Holdridge voted against the motion) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (March 27, 2013)

Staff presented the staff report. The case is a request to waive the platting requirement of the Catalina Foothills Zoning Plan to allow a change in zone from SR to CR-1 for a parcel of 3.93 acres. The Catalina Foothills Zoning Plan, approved in 1959, allows the proposed change in zone provided that a plat is recorded. County policy allows a

change in zone for eligible properties designated on a Zoning Plan map provided that the properties will be split into no more than five lots, if a Waiver of Platting Requirements of the Zoning Plan is approved by the Board.

A commissioner asked how the Waiver of Platting Requirements process became policy. Staff responded that current State statutes require a plat only for more than a division of property into more than five lots and the waiver of platting requirements policy for Zoning Plans reflects State statutes. Protection from negative effects of unregulated development is ensured by County Departmental review of the requests, which results in recommended rezoning conditions similar to implementations that can be required during Departmental review of a plat.

A commissioner stated that (this request is valid because) more than five lots should require a roadway and infrastructure (and this request is less than five lots). Any split over five lots should require a plat. Staff added that the acreage of the subject property would only allow four lots as requested if developed under the requested CR-1 zoning. Another staff member stated that originally the owner sought a traditional rezoning to CR-1, which is consistent with the Low Intensity Urban 1.2 Comprehensive Plan designation, however the fees for a waiver of platting requirements are slightly less expensive than a typical rezoning and further that the Zoning Plan had already technically rezoned the property to CR-1.

The applicant described the proposal. The split is to allow a gift to his daughter and her husband to build a home. The size of the property could not meet current SR minimum lot sizes for two lots but CR-1 would allow them. He questioned the necessity of Parks and Recreation Condition #12 requiring an *in lieu* fee. He also stated that the wash designated on the property has never contained water and stated that storm water has been diverted to the east side of Valley View Road implying that the Flood Control condition for a hydrology study was too burdensome.

Discussion followed between a commissioner and the applicant and commissioners and staff about the location of the subject property.

A commissioner asked staff to address the applicant's concerns about the Parks and Recreation and Flood Control conditions, and also to address the request for three additional lots shown on the sketch plan, not one lot as stated by the applicant. Staff replied that the Parks and Recreation fee was to recover the fee that normally would be assessed for park funding by Zoning Code subdivision requirements. That fee cannot be collected if there isn't a subdivision plat or rezoning condition. Staff continued that a regulatory wash exists on the property, and the effect of a 100-yr event must be determined regardless of the historical amount of water in the wash.

Discussion followed between a commissioner and staff regarding the Parks and Recreation *in lieu* fee condition.

During discussion between a commissioner and staff and the commissioner and the applicant about the number of lots requested. The applicant stated that he wanted only one additional lot.

No one from the audience spoke about the request.

The public hearing was closed.

A motion to recommend approval of the request with staff conditions was made by Commissioner Spendiarian. An amendment to strike Condition # 12 requiring the Parks and Recreation *in lieu* fee was made by Commissioner Neeley. An objection to the amendment was made by a commissioner. Discussion followed regarding the number of lots and the *in lieu* fee. Staff recommended that Condition #15 be amended to allow only one additional lot limiting the total number of lots to two. Chairman Richey restated the motion with the added amendments to delete Condition #12 and modify #15. The motion was seconded. The motion to recommend approval passed by a vote of 8 to 2 (Commissioners Membrila and Holdridge voted against the motion).

Rezoning Conditions were recommended as follows:

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. 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 PCRFCFCD 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, 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 condition:
- 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 ARS 41-865 and/or ARS 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. Natural Resources, Parks and Recreation Department condition:~~
~~An in-lieu as described in Chapter 18.69.090.C.2.c of the Pima County Zoning Code shall be assessed for each of the proposed three new lots before approval of building permits on the individual lots. The in-lieu fee shall be \$1,820 per lot.~~
13. 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 transfers 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.

~~14.~~ 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 Development Services and shall be approved by the 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.

~~15.~~ 14. Adherence to the sketch plan 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.

~~16.~~ 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.

~~17.~~ 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(l)."

CP/DS/ar
Attachments

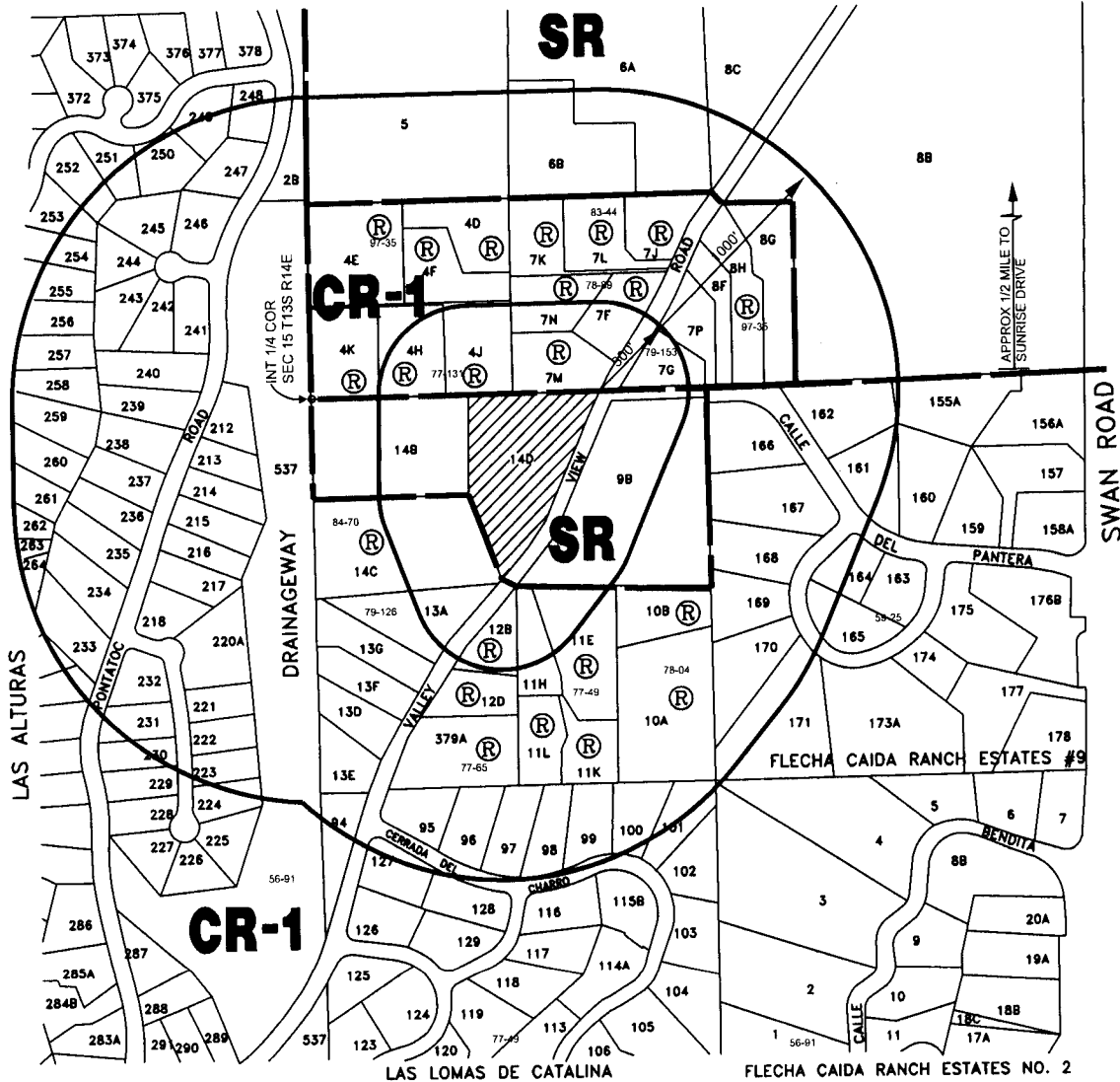
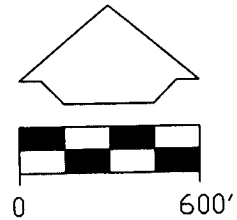
c: 2006 Rupprecht Family TR, Attn: Hugh and Melanie Rupprecht,
5155 North Valley View Rd, Tucson, AZ 85718-6120
Chris Poirier, Assistant Planning Director
Co9-13-01 File



2012

Co9-13-01 2006 RUPPRECHT FAMILY TR — VALLEY VIEW ROAD REZONING
WAIVER OF PLATTING REQUIREMENTS

PIMA COUNTY COMPREHENSIVE PLAN (C07-00-20)



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

Notification area  BASE MAP 48

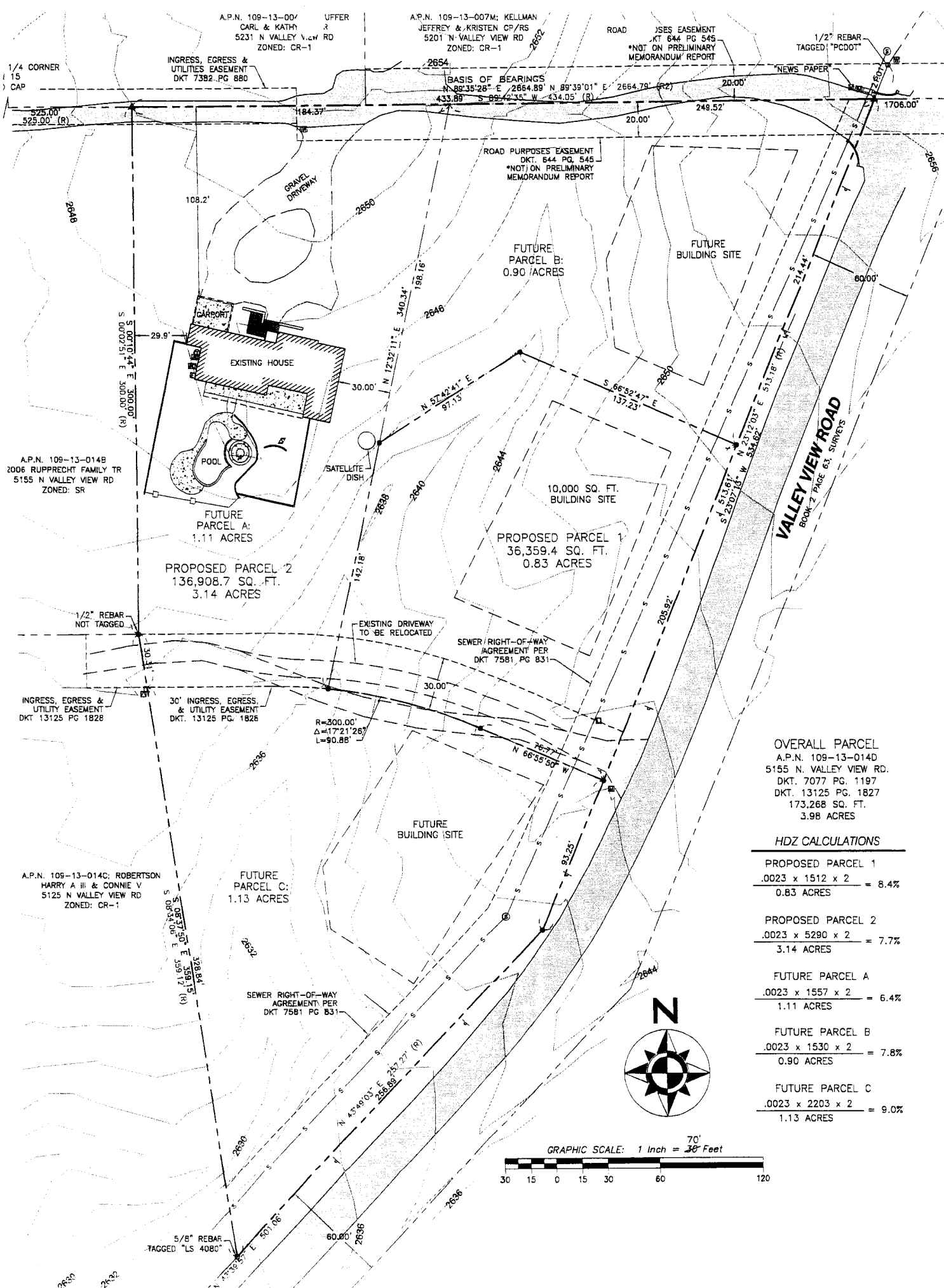
Notes CATALINA FOOTHILLS WAIVER OF PLATTING REQUIREMENTS

Tax codes 109-13-014D

Date 02/28/13
Drafter DS

File no. C09-13-001
2006 RUPPRECHT FAMILY TR
VALLEY VIEW ROAD REZONING

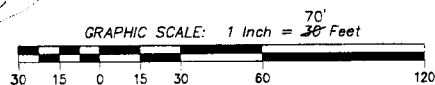
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



OVERALL PARCEL
A.P.N. 109-13-0140
5155 N. VALLEY VIEW RD.
DKT. 7077 PG. 1197
DKT. 13125 PG. 1827
173,268 SQ. FT.
3.98 ACRES

HDZ CALCULATIONS

PROPOSED PARCEL 1	
$.0023 \times 1512 \times 2$	= 8.4%
0.83 ACRES	
PROPOSED PARCEL 2	
$.0023 \times 5290 \times 2$	= 7.7%
3.14 ACRES	
FUTURE PARCEL A	
$.0023 \times 1557 \times 2$	= 6.4%
1.11 ACRES	
FUTURE PARCEL B	
$.0023 \times 1530 \times 2$	= 7.8%
0.90 ACRES	
FUTURE PARCEL C	
$.0023 \times 2203 \times 2$	= 9.0%
1.13 ACRES	



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

HEARING March 27, 2013

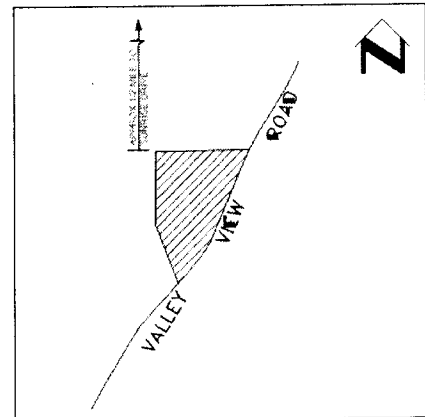
DISTRICT 1

CASE Co9-13-01 2006 Rupprecht Family TR –
Valley View Road Zoning Plan Plat
Waiver

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

OWNER 2006 Rupprecht Family TR
5155 North Valley View Road
Tucson, AZ 85718-36120

AGENT Hugh and Melanie Rupprecht
5155 North Valley View Road
Tucson, AZ 85718-36120



APPLICANT'S PROPOSED USE

"...rezoning to build more than one residence"

APPLICANT'S STATED REASON

"... family members want to build a new family home on the proposed building site. Remaining land will not be developed, but could potentially be sold in the future."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO CONDITIONS**.

COMPREHENSIVE PLAN

The subject property is designated as Low Intensity Urban 1.2 (LIU 1.2) on Pima County's Comprehensive Plan Land Use Maps. A rezoning to CR-1 would be allowed by the LIU 1.2 designation if the Comprehensive Plan prevailed; however, the subject parcel is within the Catalina Foothills Zoning Plan and a rezoning to CR-1 is not required to meet the zoning districts allowed by the Comprehensive. It is, however, subject to Comprehensive Plan Special Area Policy S-2, which restricts building heights to 24 feet unless the Board specifically allows higher heights. Policy S-2 also allows the Board to limit the number of stories to one.

The subject site is not within a Growth Area.

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

The subject property is not within a MMBCLS designation.

SURROUNDING LAND USES/GENERAL CHARACTER

North	CR-1	Single-family residential, school beyond
South	CR-1	Single-family residential
East	SR adjacent, CR-1 beyond	Church, single-family residential beyond
West	CR-1 and SR	Single-family residential

The surrounding neighborhood has developed primarily as relatively low-density residential; with a church on Valley View Road directly east of the subject property. The Catalina Foothills High School on Sunrise is approximately 400 feet north of the subject property at its closest point. A Tucson Water covered reservoir is north and east of the rezoning site. A lot that contains a single-family dwelling is located on the western property line and is owned by the applicant.

PUBLIC COMMENT

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

PREVIOUS REZONING CASES ON PROPERTY

The currently SR zoned subject property is designated as future CR-1 on the Catalina Foothills Zoning Plan, C13-59-4. Zoning Plans were adopted by the County for portions, but not all, of the County in the late 1950's and early 1960's. Zoning Plans effectively approved changes in zoning for parcels designated on a Zoning Plan map, with the condition that a subdivision plat is required. Most Zoning Plans have been repealed and replaced by the Comprehensive Plan Land Use Intensity designations; however, the Catalina Foothills Zoning Plan remains in effect. Since state law does not require a subdivision for a division of a parcel into less than six lots, and since the Board can grant waivers of the requirement for a plat, small parcels have typically been handled by a waiver of platting requirements.

PREVIOUS REZONING CASES IN GENERAL AREA

There are no recent rezonings in the adjacent area; however, numerous rezonings from SR to CR-1 have occurred by means of a plat or a waiver of platting requirements under the Catalina Foothills Zoning Plan since it was approved in 1959.

CONCURRENCY CONSIDERATIONS		
<i>Department</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	Conditions recommended

CONCURRENCY CONSIDERATIONS		
<i>Department</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
FLOOD CONTROL	Yes	Conditions recommended
WASTEWATER	Yes	Conditions recommended
PARKS AND RECREATION	Yes	No comments

PLANNING REPORT

The rezoning request is for a Waiver of Platting Requirements to allow a change of zoning from SR to CR-1 to allow up to four lots. The subject property is located on the west side of Valley View Road, approximately ½ mile south of Sunrise Drive.

As noted above the subject property is designated as CR-1 on the Catalina Foothills Zoning Plan map, which allows the subject property to be rezoned from the current SR to CR-1, provided with a subdivision plat. County policy is that if a property is seeking a change of zoning under a Zoning Plan, and is less than six lots in size, the Board may approve a Waiver of Platting Requirements.

TRANSPORTATION REPORT

Concurrency Criteria have been met since area roads are operating below capacity and the rezoning generates very little traffic. The site is located on the southwest corner of the intersection of Calle del Pantera and Valley View Road, near Sunrise Drive and Swan Road. The parcel is not part of a subdivision plat or development plan but is unsubdivided land. The request could allow for 3 additional residential lots in addition to the existing residence for a total of 4 lots. The additional 3 units could generate 30 Average Daily Trips (ADT).

Valley View Road is a paved, two lane, County maintained, minor collector with 60 feet existing right-of-way and a posted 35 mph speed limit. It is approximately 1.1 miles long with a traffic count of 900 ADT from 2010 and the traffic capacity is 5,000 to 10,000 ADT. It is located between Pontatoc Road and Sunrise Drive, west of Swan Road.

Calle de Pantera is a paved, two lane, County maintained, local road with 45 to 60 feet existing right-of-way/easement with a 25 mph posted speed limit. It is approximately 0.4 miles long and is located between Valley View Road and Swan Road. There are no traffic counts available and the traffic capacity is 5,000 to 10,000 ADT. Calle de Pantera does not extend west of Valley View Road.

There are two existing access easements that are proposed to remain. This is acceptable and the three new lots shall only be allowed access onto these. No direct access shall be allowed onto Valley View Road. Any portion of the access easements that serve more than one residence will need to be paved/chip sealed for dust control.

Area roads are operating below their capacities and there are no major roadway improvements planned in the area. The property is located in the Catalina Foothills Impact Fee Benefit Area.

Staff has no objection to the request subject to the following recommended 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.

REGIONAL FLOOD CONTROL DISTRICT REPORT

Staff has reviewed the request and has the following comments:

1. One regulatory wash crosses the property and while the narrative states the 25' Erosion Hazard Setback (EHS) is to be avoided and the building pads appear to avoid the EHS, neither the floodplain or the EHS has been shown on the sketch plan. Per 16.36.010 A. "Land may not be parceled or subdivided in such a manner as to create lots unsuitable for development because of flood or erosion hazards." The floodplain determination may impact the size and configuration of lots and building pads.
2. No drainage complaints are associated with the property.
3. No Pima County Regulated Riparian Habitat is located within the proposal.
4. An internal restudy of this watershed is ongoing and may provide additional design information.
5. Per the site plan an existing driveway which serves the residence to the west is to be relocated. Any driveway reconstruction within the wash will require review and approval and will not be permitted to divert, retard or obstruct natural flow (16.04.020). Engineering may be required.

Water Resources Division:

The applicant is not required to present a Preliminary Integrated Water Management Plan (PIWMP) because this rezoning request does not require a site analysis. However, because of significant overdraft and water-level declines in the area, we do recommend the use of EPA Watersense toilets at 1.28 gpf and low flow faucets for interior use, and any other water savings features (side-loading washers, refrigerators with filtered indoor water system, central-core plumbing, etc.) options for the dwellings. Low Impact Development (LID) water harvesting should be incorporated into landscaping, paving and parking lots to irrigate native vegetation planted on the site exterior.

Recommended Conditions:

- A. Prior to issuance of any building permits for the subject property(s) a hydrology study must be submitted to PCRFCDD 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.

WASTEWATER MANAGEMENT REPORT

The subject property is within the area served by Pima County's public sewer system and is tributary to the Ina Road Pollution Control Facility via the North Rillito Interceptor. A 10-inch public sewer line runs along the eastern property boundary. The proposed residence will connect to the public sewer.

The PCRWRD has no objections to the proposed rezoning but recommends the following rezoning conditions should the Board of Supervisors approve this rezoning:

1. 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.
2. 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.
3. 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.
4. 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, preliminary sewer layout, sewer construction plan, or request for building permit.
5. 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.
6. 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.

DEVELOPMENT SERVICES ENVIRONMENTAL QUALITY AIR QUALITY REPORT

The Department of Environmental Quality'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.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

This request is for a waiver of the platting requirements. If the applicant was to plat the proposed lots, section 18.69 would be followed with an in-lieu fee required.

Natural Resources, Parks and Recreation recommends that a rezoning condition requiring that an in-lieu fee as described in Chapter 18.69.090.C.2.c of the Pima County Zoning Code shall be assessed for each of the proposed three new lots before approval of building permits on the individual lots. The in-lieu fee shall be \$1,820 per lot.

OFFICE OF SUSTAINABILITY CULTURAL RESOURCES DIVISION REPORT

The property is mostly undeveloped with a standing structure, a paved drive, and a dirt road. According to County records, no cultural resources exist within the vicinity or on the subject property. One survey, 2004-444.ASM, was conducted along both sides of Valley View Road, adjacent to the subject property. No archaeological sites were identified as a result of the survey. In general, the area is within a zone of low archaeological sensitivity (as delineated by the Sonoran Desert Conservation Plan).

Recommended rezoning 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 ARS 41-865 and/or ARS 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.

UNITED STATES FISH AND WILDLIFE REPORT

No comments had been received at the time of this writing.

IF THE DECISION IS MADE TO APPROVE THE WAIVE OF PLATTING REQUIREMENTS, 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. 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 PCRFCFCD 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, 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 condition:

- 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 ARS 41-865 and/or ARS 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. Natural Resources, Parks and Recreation Department condition:

An in-lieu as described in Chapter 18.69.090.C.2.c of the Pima County Zoning Code shall be assessed for each of the proposed three new lots before approval of building permits on the individual lots. The in-lieu fee shall be \$1,820 per lot.

13. 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 transfers 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.

14. 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 Development Services and shall be approved by the Flood Control District.
- B. Green building concepts for energy and water conservation, minimizing solid waste, recycling building materials, and reducing green house gases shall be used to the maximum extent possible.

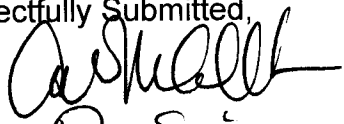
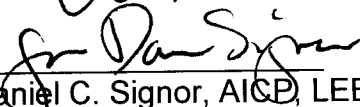
15. Adherence to the sketch plan as approved at public hearing.

16. 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.

17. 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)."

Respectfully Submitted,

Daniel C. Signor, AICP, LEED Green Associate
Senior Planner




MEMORANDUM

Planning & Development
Regional Flood Control District



DATE: February 11, 2013

TO: Daniel Signor, DSD
Senior Planner

FROM: 
Greg Saxe, M.R.P. Ph.D.
Environmental Planning Manager

SUBJECT: Co9-11-03 Rupprecht –Valley View Road Waiver of Platting Requirements

I have reviewed the request and have the following comments:

1. One regulatory wash crosses the property and while the narrative states the 25' Erosion Hazard Setback (EHS) is to be avoided and the building pads appear to avoid the EHS, neither the floodplain or the EHS has been shown on the sketch plan. Per 16.36.010 A. "Land may not be parceled or subdivided in such a manner as to create lots unsuitable for development because of flood or erosion hazards." The floodplain determination may impact the size and configuration of lots and building pads.
2. No drainage complaints are associated with the property.
3. No Pima County Regulated Riparian Habitat is located within the proposal.
4. An internal restudy of this watershed is ongoing and may provide additional design information.
5. Per the site plan an existing driveway which serves the residence to the west is to be relocated. Any driveway reconstruction within the wash will require review and approval and will not be permitted to divert, retard or obstruct natural flow (16.04.020). Engineering may be required.

Recommended Conditions:

- a. Prior to issuance of any building permits for the subject property(s) a hydrology study must be submitted to PCRFCFCD 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.

Please feel free to contact me with any questions or concerns on these comments.

GS/AM/ES/sm

cc: File

Sketch Plan Description
2006 Rupprecht Family Trust
January 28, 2013

This rezoning proposal for Tax Parcel 109-13-014D, the 2006 Rupprecht Family Trust, is to rezone 3.98 acres from the present zone of SR to the proposed zone of CR1. This rezoning is being proposed to create a second building site on the property for a detached site-built home to be built by family members. The proposal is to split the 3.98 acre lot into four separate lots, Parcel 1, containing Parcels A, B and C at 3.14 acres and Parcel 2 at 0.83 acres. The sketch plan indicates that Parcel 1 can be split into three lots: Parcel A at 1.11 acres, Parcel B at 0.90 acres and Parcel C at 1.13 acres. This sketch plan indicates that the rezoning will allow for four lots, although only one lot will be built on.

The only existing land use on the site is one detached site-built home and a septic system, currently proposed Parcel 1, future Parcel A. The proposed plan, as seen on the Sketch Plan, includes a one-story, 2,500 ft² house on a 10,000 ft² building site, proposed Parcel 2 that will be accessed through the existing 30' easement on the south side of Parcel 2 and will be connected to the sewer system. No additional entrances to Valley View Rd. will be built. All other land area within the 3.98 acres will remain undisturbed. The building site for Parcel 2 was determined based on drainage setback of 25' and sewer access; buildable area is confined to land adjacent to Valley View Rd.

The site, except for the existing home site, is native desert vegetation; vegetation is most dense along the drainage running from north to south on the property (see Figure 1 below). Site cross slope average 8%, with no slopes over 10% grade.

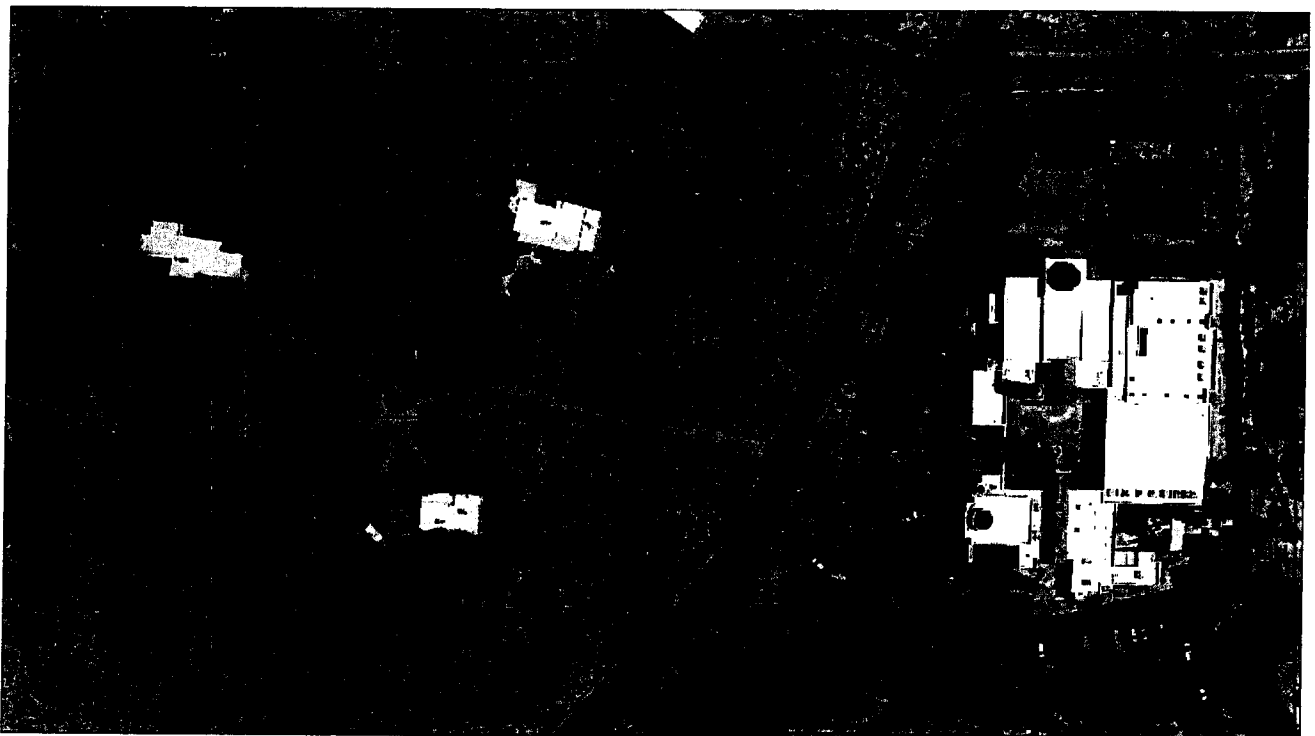


Figure 1 - Ortho image of Parcel 109-13-014D created on Pima County MapGuide, indicating drainage and vegetation cluster.

COMPREHENSIVE PLAN DESIGNATIONS

Low Intensity Urban

(Low Intensity Urban 3.0, 1.2, 0.5, and 0.3)

- 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:

1) Low Intensity Urban 3.0

'LIU-3.0' or 'C-3.0' on the Land Use Plan Maps

- (a) Minimum - none
- (b) Maximum - 3.0 RAC. The maximum gross density may be increased in accordance with the following cluster option:
 - (i) Gross density of 4.0 RAC with 30 percent cluster open space.
- (c) Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
 - (i) Minimum density 1.5 RAC
 - (ii) Maximum density 3.0 RAC. The maximum gross density may be increased in accordance with the following cluster option:
 - (1) Gross density of 4.0 RAC with 30 percent cluster open space.

2) 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) Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements:
 - (i) Minimum - (none)
 - (ii) Maximum - 1.2 RAC. The maximum gross density may be increased in accordance with the following cluster option:

(1) Gross density of 2.0 RAC with 30 percent cluster open space plus 20 percent natural open space.

S-2 Catalina Foothills (CF) [2-19]

General location

North of E. River Road, west of Sabino Creek, south of Coronado National Forest, and east of N. Oracle Road and N. Northern Avenue.

Policy

No construction of building exceeding 24 feet in height shall be permitted without specific authorization from the Board of Supervisors. The Board of Supervisors reserves the right to limit construction to one story



Rural/Metro Fire Department

www.rmfire.com

February 19, 2013

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

RE: Case Co9-13-01 Rupprecht – Hidden Valley Road Rezoning

Dear Daniel,

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and has no objections to the rezoning.

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

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

