



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 22, 2019

Title: P18RZ00007 FIMBRES - S. VICTOR DRIVE REZONING

Introduction/Background:

The applicant requests a rezoning from RH (Rural Homestead) to GR-1 (Rural Residential) on 4.35 acres.

Discussion:

The current RH zoning allows one residence on the existing vacant lot. The rezoning will allow five proposed lots with one single residence on each. The proposal residential uses will be compatible with residential development in the area; and the density will comply with the Medium Intensity Rural designation approved for the site in 2015 as part of the Comprehensive Plan Update Individual Requests. One other similar parcel in the area was also approved for Medium Intensity Rural and was subsequently rezoned under a 2015 case to GR-1, but for only two lots. Reporting agencies indicate concurrency of infrastructure; however, Tucson Unified School District did not provide comments. The site abuts unpaved non-county maintained roads, but estimated additional traffic generation is low. Also, the main access road from Valencia Road will be paved to just north of the site as part of subdivision development to the north. However this parcel and others like it are slowly increasing in density largely without subdivision improvements south of Los Reales Road. The site will connect to existing sewer. A common well is planned for water. Commercial services and schools are not currently located near the site. The site is not within the Conservation Lands System.

Conclusion:

The higher density rezoning is consistent with the plan amendment approved for the site; and the proposed residential uses are compatible with other residential uses in the vicinity.

Recommendation:

Staff recommends approval of the rezoning with conditions. The Planning and Zoning Commission also recommends approval with conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

1 2 3 4 5 All

Department: Development Services Department - Planning Telephone: 520-724-9000

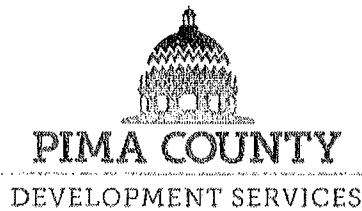
Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date: B. B. B. 1/4/19

Deputy County Administrator Signature/Date: B. B. B. 1/7/19

County Administrator Signature/Date: C. Dulcet 1/7/19

1/10/19 P18RZ00007 PC001 KCF BD



TO: Honorable Sharon Bronson, Supervisor, District 3
FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division
RR Tom Draczynski
DATE: January 4, 2019
SUBJECT: P18RZ00007 FIMBRES – S. VICTOR DRIVE REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JANUARY 22, 2019** hearing.

REQUEST: For a **rezoning** of approximately 4.35 acres from the RH (Rural Homestead) zone to the GR-1 (Rural Residential) zone, on property located at the southwest corner of the intersection of S. Victor Drive and W. Los Reales Road (alignment).

OWNERS: Francisco Fimbres
7441 W. Los Reales Road
Tucson, AZ 85757-8990

AGENT: Perry Engineering
505 W. Wetmore Road
Tucson, AZ 85705

DISTRICT: 3

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of January 4, 2019, staff has received no written public comments. No members of the public spoke at the Planning and Zoning Commission public hearing.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (9-0; Commissioner Bain was absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Land System (CLS).

TD/DP/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P18RZ00007

Page 1 of 4

FOR JANUARY 22, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director
Public Works-Development Services-Department-Planning Division

DATE: January 4, 2019



ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P18RZ00007 FIMBRES – S. VICTOR DRIVE REZONING

Request of Francisco Fimbres, represented by Ken Perry, for a **rezoning** of approximately 4.35 acres from the RH (Rural Homestead) zone to the GR-1 (Rural Residential) zone, on property located at the southwest corner of the intersection of S. Victor Drive and W. Los Reales Road (alignment). The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Rural. On motion, the Planning and Zoning Commission voted 9-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioner Bain was absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.

(District 3)

Planning and Zoning Commission Public Hearing Summary (November 28, 2018)

Staff presented information from the staff report to the commission with a recommendation of approval subject to recommended conditions found on pages 7 and 8 of the staff report.

A commissioner asked if there is currently direct access from a paved road. Staff indicated that there was no current direct paved road access. The commissioner asked if there will be a requirement to pave to existing pavement. Staff indicated that there is no recommendation for a condition requiring pavement to existing pavement. The commissioner stated that this brings up a policy issue based on past requirements for access to pavement or to provide paved access.

Staff indicated that traditionally policy has been some consideration of paving or chip sealing for new lots accessing from dirt roads. Staff discussed road pavement with both the Transportation Department and the Department of Environmental Quality which ultimately provided comments which did not include a recommendation for a road pavement requirement. Historically, Transportation, essentially on behalf of DEQ, has recommended (some form of) pavement. There

have been some past rezonings where rural dirt roads were valued by applicants or neighbors for reasons including slower traffic or because of (private) maintenance costs. For the subject rezoning, staff had long conversations on a pavement requirement, and discretion is being used to not require it in the County road right-of-way due to the additional maintenance costs to the County for a few additional houses. However, the commission could recommend, or the Board of Supervisors could require, a condition for road pavement.

The commissioner stated that he had no actual opinion, and that he understands the desire for rural dirt roads, but that he was trying to figure out the policy stating that he assumed that most often connecting roads would be County right-of-way. He asked if this rezoning was unique. Staff indicated that it's unique in that all the proposed lots will be directly accessing County right-of-way as opposed to an easement within the site with one point of access to County right-of-way. Staff indicated that the 2015 rezoning on nearby Yedra Road, which is dirt, did not require that the road be paved, but that the rezoning was only for two lots and therefore would have less road impacts. When chip seal is required, which would not be allowed in County right-of-way because improvements have to meet County roadway standards, it is for dust control of a common driveway internal to the rezoning site. This case has resulted a commitment from Transportation and DEQ to devise a formal policy going forward.

The commissioner asked if this case presented a policy shift or a unique circumstance. Staff indicated that it was the start of a policy shift. What could play into the policy would be to answer what density is okay for dirt roads.

The applicant, an engineer representing the property owner, spoke briefly stating that he could not add much more to the staff report, but could answer questions. No questions were raised.

The hearing was opened to the public. No members of the audience spoke. The public hearing was closed.

Commissioner Matter made a motion to recommend approval of the rezoning subject to the standard and special conditions in the staff report.

Commissioner Membrila gave second to the motion.

The commission voted to recommend **APPROVAL** of the rezoning (9-0, Commissioner Bain was absent), subject to the following conditions:

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

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Adherence to the sketch plan as approved at public hearing.
3. Flood Control condition:
A site plan shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of any building permits for any of the lots, unless the lots have been removed from the Special Flood Hazard Area by an effective Letter of Map Revision approved by the Federal Emergency Management Agency.

4. Wastewater Reclamation conditions:
 - A. The owner(s) 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(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) 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(s) 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 PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) 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.
 - F. The owner(s) 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.
5. 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 ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. 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.
6. Upon the effective date of the Ordinance, 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 property owner.

7. The property owner shall execute 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."
8. 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.

TD/DP/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P18RZ00007 File

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

HEARING November 28, 2018

DISTRICT 3

CASE P18RZ00007 Fimbres – S. Victor Drive
Rezoning

REQUEST Rezone from RH (Rural Homestead) to
GR-1 (Rural Residential) (4.35 acres)

OWNER Francisco Fimbres
7441 W. Los Reales Road
Tucson, AZ 85757-8990

APPLICANT Perry Engineering
505 W. Wetmore Road
Tucson, AZ 85705

APPLICANT'S PROPOSED USE
"Residential"

APPLICANT'S STATED REASON

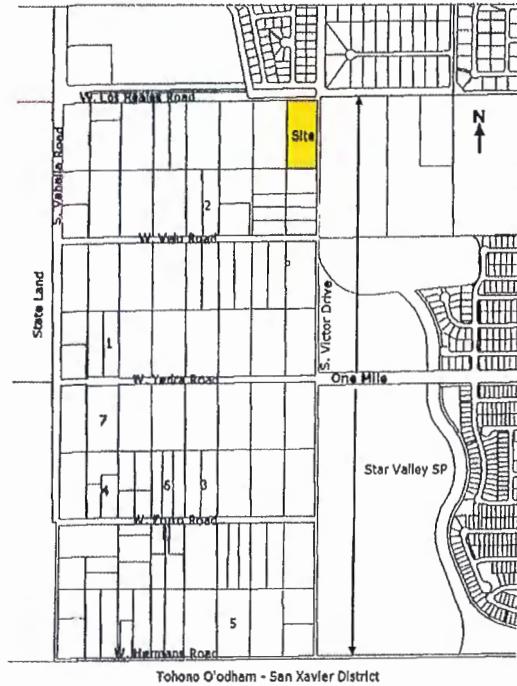
"The requested zoning would allow 5 lots to be created. Each lot would have a single residence on it."

COMPREHENSIVE PLAN DESIGNATION

The Pima County Comprehensive Plan designates the subject property as Medium Intensity Rural (MIR), which designates areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials, or suburban areas at a maximum density of 1.2 residences per acre (RAC). The proposed density for the subject property is approximately 1.15 RAC.

The planned land use designation of the site was amended from Low Intensity Rural (LIR) to MIR by the Board of Supervisors on May 19, 2015. The change was an "Individual Request" (IR-12) under the ten-year comprehensive plan update. Staff initially recommended no change to the LIR, but concurred with a change to MIR based on comments and lack of objection provided by the Regional Flood Control District at the April 8, 2015 Planning and Zoning Commission hearing. The current applicant is a new owner of the subject property. A second similar request for LIU in the area (IR-13) along Yedra Road was also approved for MIR.

Special Area Policy S-29 Southwest Infrastructure Plan (SWIP) (attached) applies to a 70 square mile area that includes the rezoning site. Policy S-29 mainly addresses the



Tohono O'odham - San Xavier District

provision of infrastructure and sustainability of proposed development in the SWIP area. The small size of the rezoning and rural location do not lend to application of the SWIP policies. The applicant could consider water savings measures and orientation of long portions of homes to face south to maximize winter heating and minimize summer heating.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-3/CR-4	Los Reales Road Alignment / Residential Subdivision (Under Development) / Residential Subdivision
South:	RH	Manufactured Home
East:	RH	Victor Drive / Single Residence
West:	RH	Manufactured Home

PREVIOUS REZONING CASES ON PROPERTY

Co9-87-67 Pima County – General Rural Zone #3 Rezoning (560 acres)

Location: Included 400 acres in Section 21, T15S, R12E (the W1/2 and the N1/2 of the NE 1/4), containing the subject property.

Request: RH to GR-1

Action: Portion in Section 21 denied.

PREVIOUS REZONING CASES IN GENERAL AREA

Apart from higher density rezonings to the north and east that have resulted in residential subdivision development, there have been seven, similar rezonings to the GR-1 zone approved within this area generally described as originally 64, five-acre lots bounded by W. Los Reales Road/Diablo Village Estates subdivision (north), W. Victor Drive/Starr Valley Specific Plan (East), W. Hermans Road/Tohono O'odham Reservation (South), W. Vahalla Road/State Land (West) (the following numbers refer to the location map on page 1):

- #1 Co9-15-03 – Approved for two lots with one residence on each on W. Yedra Road;
- #2 Co9-06-43 – Approved for two lots with one residence on each on W. Velo Road;
- #3 Co9-03-36 – Approved for two lots with two residences on each (and four lots if subdivided) on W. Zorro Road;
- #4 Co9-94-67 – Approved for three lots on W. Zorro Road;
- #5 Co9-92-20 – Approved for three lots on W. Hermans Road (no splits have occurred);
- #6 Co9-91-13 – Approved for three lots on W. Zorro Road;
- #7 Co9-88-52 – Approved for two lots with one residence on each on W. Yedra Road.

STAFF REPORT

Staff recommends **APPROVAL with conditions**. Staff has no objection to the GR-1 (Rural Residential) rezoning request because the proposed residential development is compatible with other residential development in the area and the proposed density complies with the Medium Intensity Rural designation approved for the site in 2015. There is a Minor Concurrency Concern relative to dirt roads which front the site, but additional traffic generated from the rezoning will be minimal. The site also benefits from being near pending road improvements to Victor Drive and an existing sewer line constructed for higher density subdivision development in the area.

The proposal is for five lots of approximately 38,000 square feet (.87 acre) in size with one single residence on each lot. Connection to the existing sewer within S. Victor Drive, which fronts the site, is proposed. Water service is proposed from a new common well that will serve the parcels despite location within the Metropolitan Water District service area. The applicant indicates that the district has no facilities in the area and none planned. The district did not respond to staff's request for comments.

It appears that each lot will have individual access from Victor Drive. The northernmost lot could also be accessed from Los Reales Road. These are narrow non-County maintained dirt roads fronting the property for which a Minor Concurrency Concern is noted. However, per improvement plans approved in late 2017 and early 2018 for the Diablo Village Estates subdivision north of the site, Victor Drive will be paved from Los Reales Road to the point of existing pavement which then connects to Valencia Road a mile north of the subject site. Victor Drive is currently paved approximately one-fourth mile south of Valencia Road, but over half of the length is in poor condition. Vahalla Road located a half-mile to the west of the site is also paved south from Valencia Road to Hermans Road.

The site is relatively flat and is partially naturally vegetated and partially disturbed from past use. The site contains no defined water courses, but is located within a FEMA Special Flood Hazard Area Zone and a Comprehensive Plan Flood Control Resources Area. The Flood Control District recommends condition #3 below relative to this location. The site is not located within the Maeveen Marie Behan Conservation Lands System.

Commercial services are not currently located near the site but are zoned for within a mile to the east within the Star Valley Specific Plan. The nearest grocery store is located in a shopping center approximately 6.5 miles travel distance at the northeast at Valencia Road and Cardinal Avenue. The nearest places of employment include a casino with a hotel and golf course approximately 3.0 miles travel distance to the northeast along Valencia Road and Ryan Airfield approximately 4.0 miles travel distance to the northwest at Ajo Highway and Valencia Road. The nearest public elementary school is located approximately 4.5 miles travel distance to the northeast. A small County park is located approximately one mile to the northeast within Star Valley. A fire station is located approximately one-half mile to the northeast, but travel distance is approximately 2.5 miles because W. Timberleaf Drive (a subdivision street north of the site) will not be connected with a short extension to Victor Drive per the improvement plans despite existing right-of-way connection.

Area Development Pattern

The requested GR-1 zoning for five lots is the first of the seven other RH to GR-1 rezonings in the area dating to 1988 to seek the full GR-1 density allowance within this unsubdivided rural area composed of originally 64, approximately five-acre lots shown in the map on page 1. The previous rezoning requests allowed for creation of one or two additional lots, often for family members to locate their house. The most recent rezoning in 2015 was for two lots. Twenty other lots of the original 64 lots have not undergone rezoning but have been split into two, sometimes three and four parcels. Some of these parcels may predate the advent of the GR-1 zone (1985) when now defunct GR zone

existed, and some may be non-conforming lots. There are currently 104 lots within this area.

The five lots for the subject rezoning are achievable due to the location of sewer within Victor Drive which extends approximately one-quarter mile south of Los Reales Road, before turning east to serve the Star Valley Specific Plan development. Sewer does not otherwise serve the original 64-lot area. Only part of the area has paved roads. Vahalla Road is paved to Hermans Road, as is Zorro Road from Vahalla to Victor, Victor from Zorro to Hermans, and Hermans from Victor to Vahalla. The original 64 lots have a uniform grid lay out (although a quarter-mile section of Victor Drive has not been graded).

Other than partial road pavement and two or three original lots that could directly connect to the sewer, the area generally lacks value-added engineered infrastructure improvements that improve livability and increase the tax base that supports service demand. If this area were to continue splitting at a rate of two, three, or four lots per the 64 original lots, it could result in 131, 195, or 259 residences respectively. The residents need to be aware that if the incremental rezoning/lot splitting pattern continues, infrastructure issues (e.g. road, potable water, drainage) could arise which the residents would have to address on their own. Had the entire area been platted by one, original owner in the beginning, proper road, floodplain, and possibly sewer improvements would have been made.

Additional lot splitting in the area can only be achieved by rezonings, which can only be achieved by higher density plan amendments. RH allows one residence per approximately 4.13 acres. GR-1 allows for one residence per approximately .83 acre.

Concurrency of Infrastructure

CONCURRENCY CONSIDERATIONS		
Department/Agency	Concurrency Considerations Met: Yes / No / NA	Other Comments
TRANSPORTATION	Yes	Minor Concurrency Concern
FLOOD CONTROL	Yes	
WASTEWATER	Yes	
PARKS AND RECREATION	Yes	
WATER	N/A	Applicant proposes on-site well.

CONCURRENCY CONSIDERATIONS		
SCHOOLS		No information from Tucson Unified School District.
AIR QUALITY	Yes	

TRANSPORTATION REPORT

This portion of Victor Drive is a public dirt roadway within Pima County right-of-way that is currently not maintained. This project will generate approximately 48 average daily trips. Therefore, this project will have minimal impact on the adjacent roadway network and is classified as a minor transportation concurrency concern. Given the minimal impact on the Pima County roadway network, the Department of Transportation has no comments or conditions and recommends this rezoning application be approved.

FLOOD CONTROL REPORT

The Regional Flood Control District has reviewed the request and notes that the site is entirely within Federal Emergency Management Agency Special Flood Hazard Area Zone.

The District has no objection subject to the following condition:

A site plan shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of any building permits for any of the lots, unless the lots have been removed from the Special Flood Hazard Area by an effective Letter of Map Revision approved by the Federal Emergency Management Agency.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has received and reviewed the proposed rezoning and offers the following comments for your use. The applicant proposes to split the property into five parcels for the use of one residence on each parcel. The subject site is located at the southwest corner of the intersection of S. Victor Drive and W. Los Reales Road alignment. Connection to the existing 12-inch public sewer located within the S. Victor Drive right-of-way is proposed.

The rezoning area is within the PCRWRD service area and is tributary to the Avra Valley Water Reclamation Facility. There is currently no capacity issues in the downstream public sewer system for this development. However, conditions within the public sewer system constantly change and need to be reevaluated. A Type I capacity letter must be obtained to verify that capacity exists in the downstream system prior to submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review and approval.

The PCRWRD has no objection to the proposed rezoning, but offers conditions under #4 below.

CULTURAL RESOURCES REPORT

The Office of Sustainability and Conservation – Cultural Resources has reviewed the request and recommends a condition (#5 below) regarding action necessary if cultural resources are discovered.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

USFWS did not responded to a request for comments.

METROPOLITAN WATER REPORT

Metropolitan Water Improvement District did not responded to a request for comments.

SCHOOL DISTRICT REPORT

Tucson Unified School District did not responded to a request for comments.

FIRE DISTRICT REPORT

Drexel Heights Fire District did not responded to a request for comments.

PUBLIC COMMENT

As of the writing of this report, staff has not received any written public comments.

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. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Adherence to the sketch plan as approved at public hearing.
3. Flood Control condition:
A site plan shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of any building permits for any of the lots, unless the lots have been removed from the Special Flood Hazard Area by an effective Letter of Map Revision approved by the Federal Emergency Management Agency.
4. Wastewater Reclamation conditions:
 - A. The owner(s) 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(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the

necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner(s) 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(s) 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 PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner(s) 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.
- F. The owner(s) 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.

- 5. 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 ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. 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.
- 6. Upon the effective date of the Ordinance, 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 property owner.
- 7. The property owner shall execute 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."
- 8. 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.

Respectfully Submitted,

David Petersen
David Petersen, AICP
Senior Planner

c: Perry Engineering, 505 W. Wetmore Road, Tucson, AZ 85705

Case #: P18RZ00007
Case Name: FIMBRES - S. VICTOR DRIVE REZONING
Tax Code(s): 210-41-009A



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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

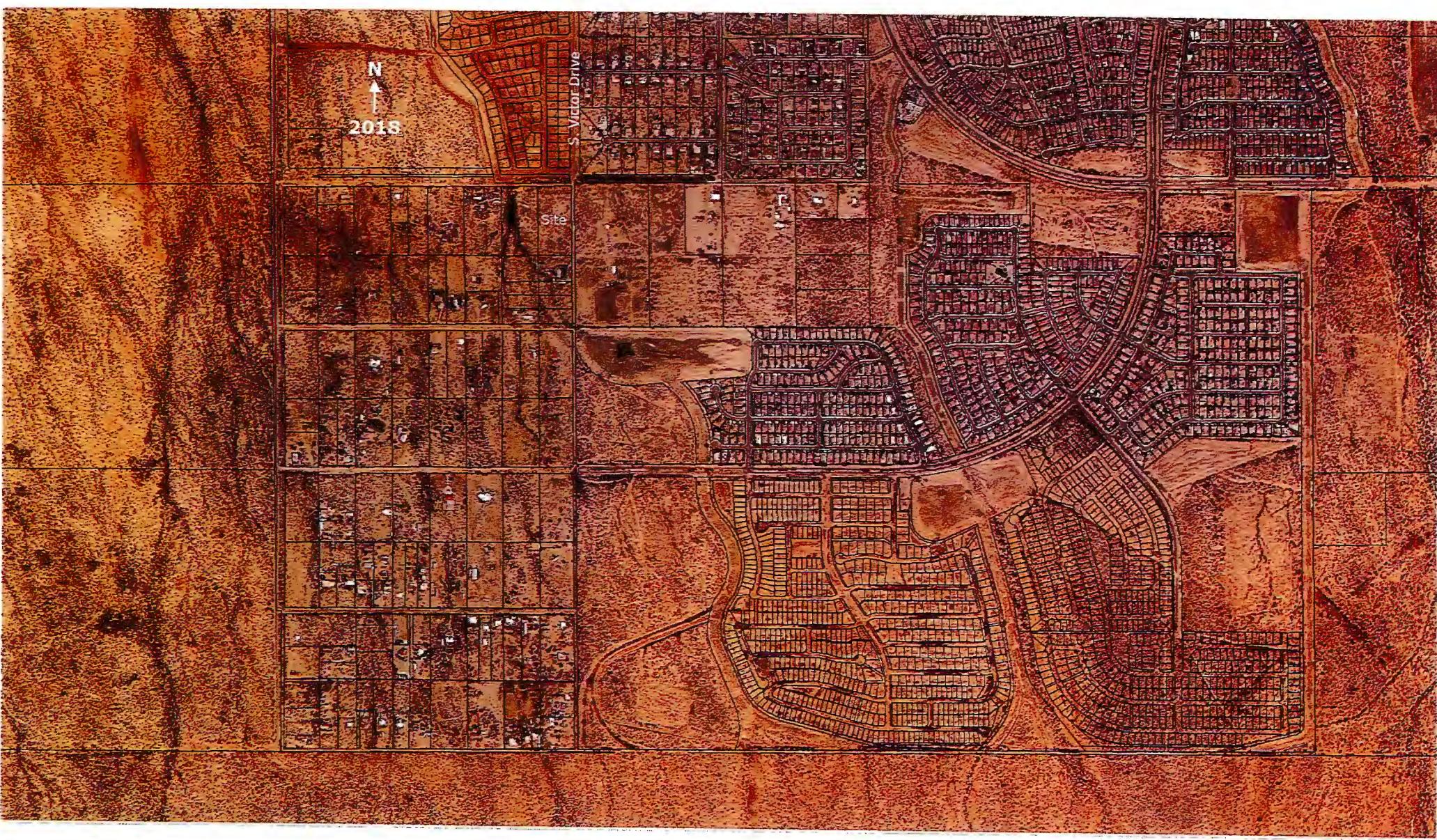


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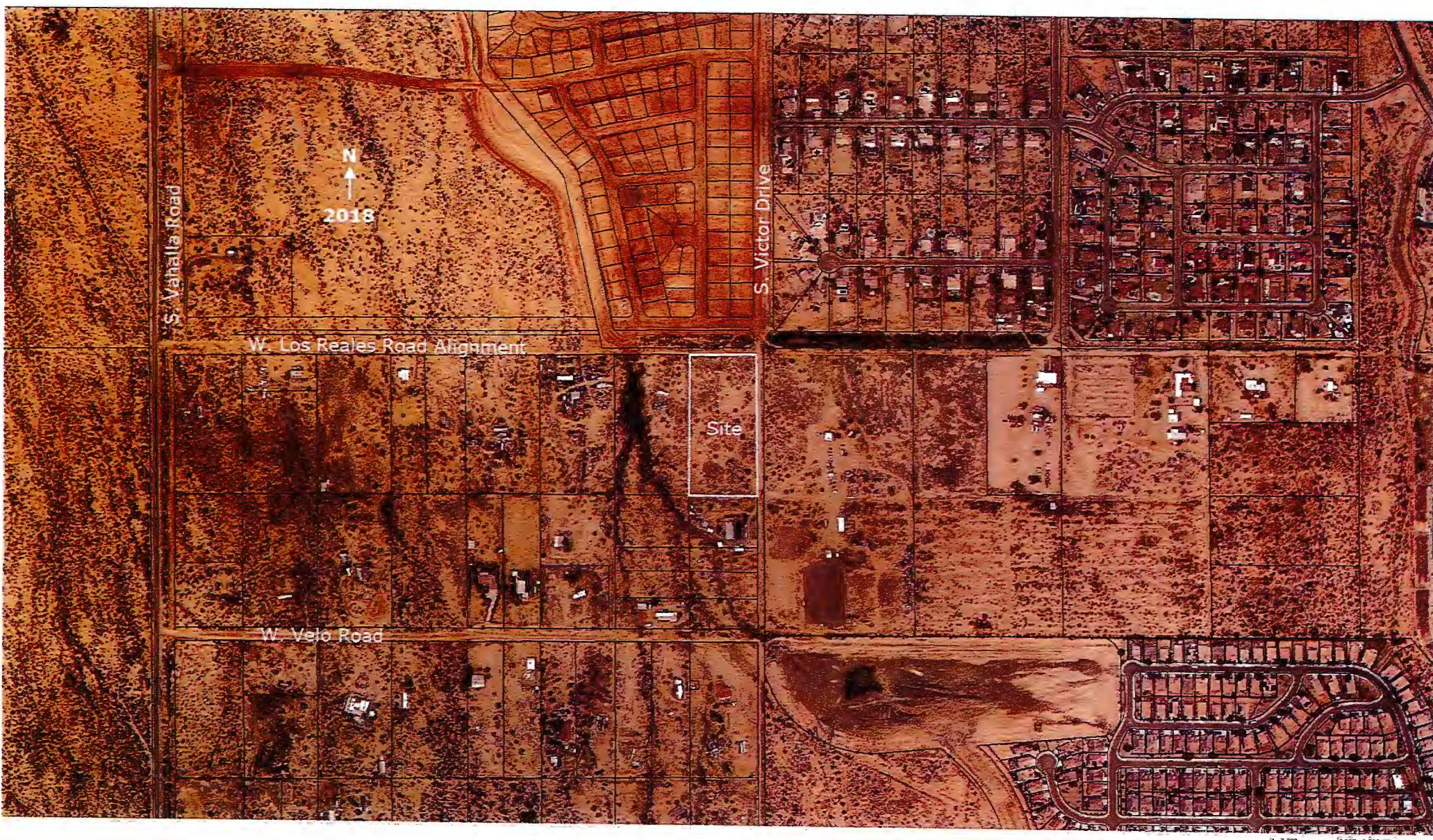
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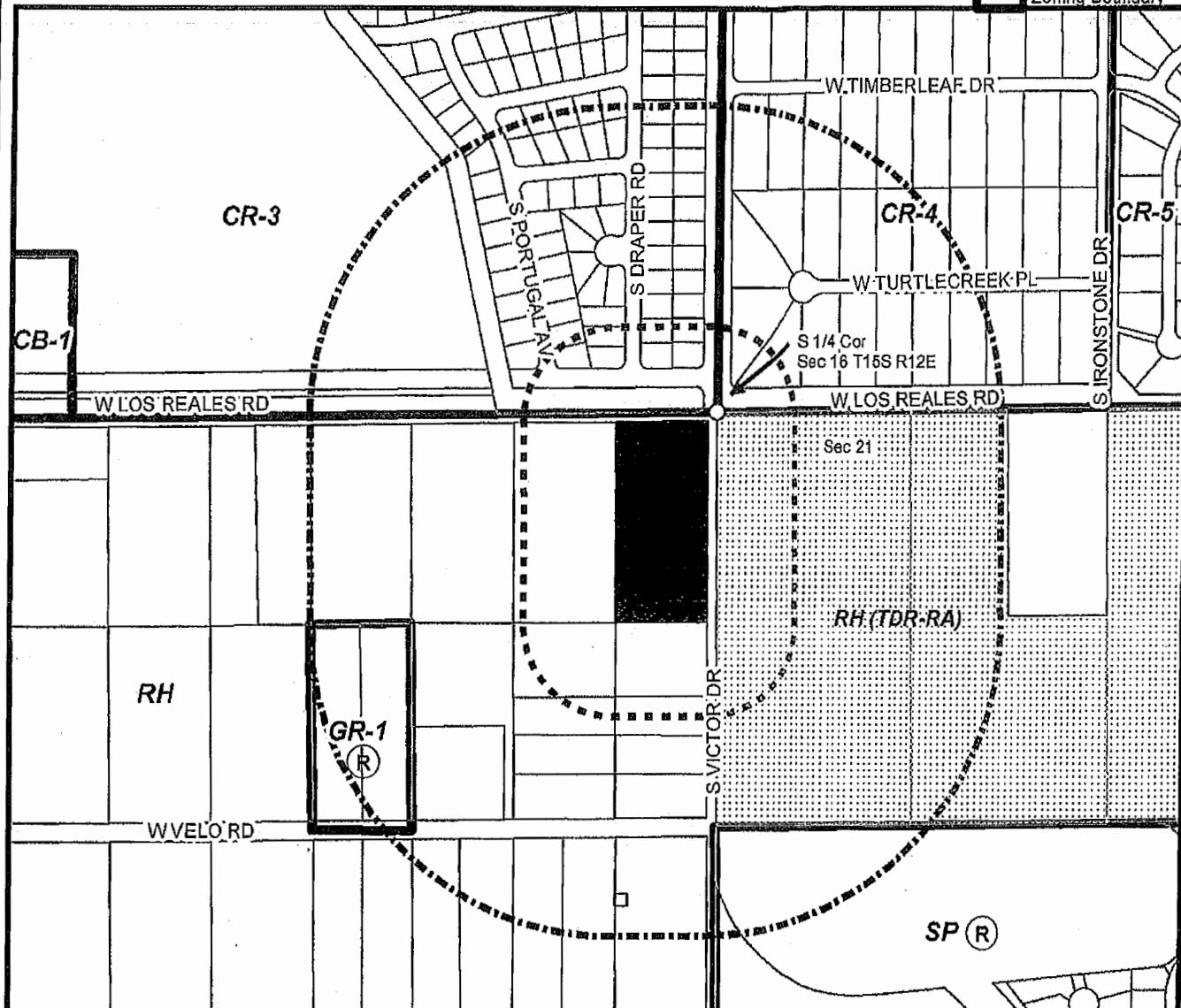
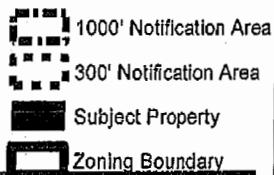
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0.45 x 1.43 (mi)



Case #: P18RZ00007
 Case Name: FIMBRES - S. VICTOR DRIVE REZONING
 Tax Code(s): 210-41-009A



0 220 440 880 Feet

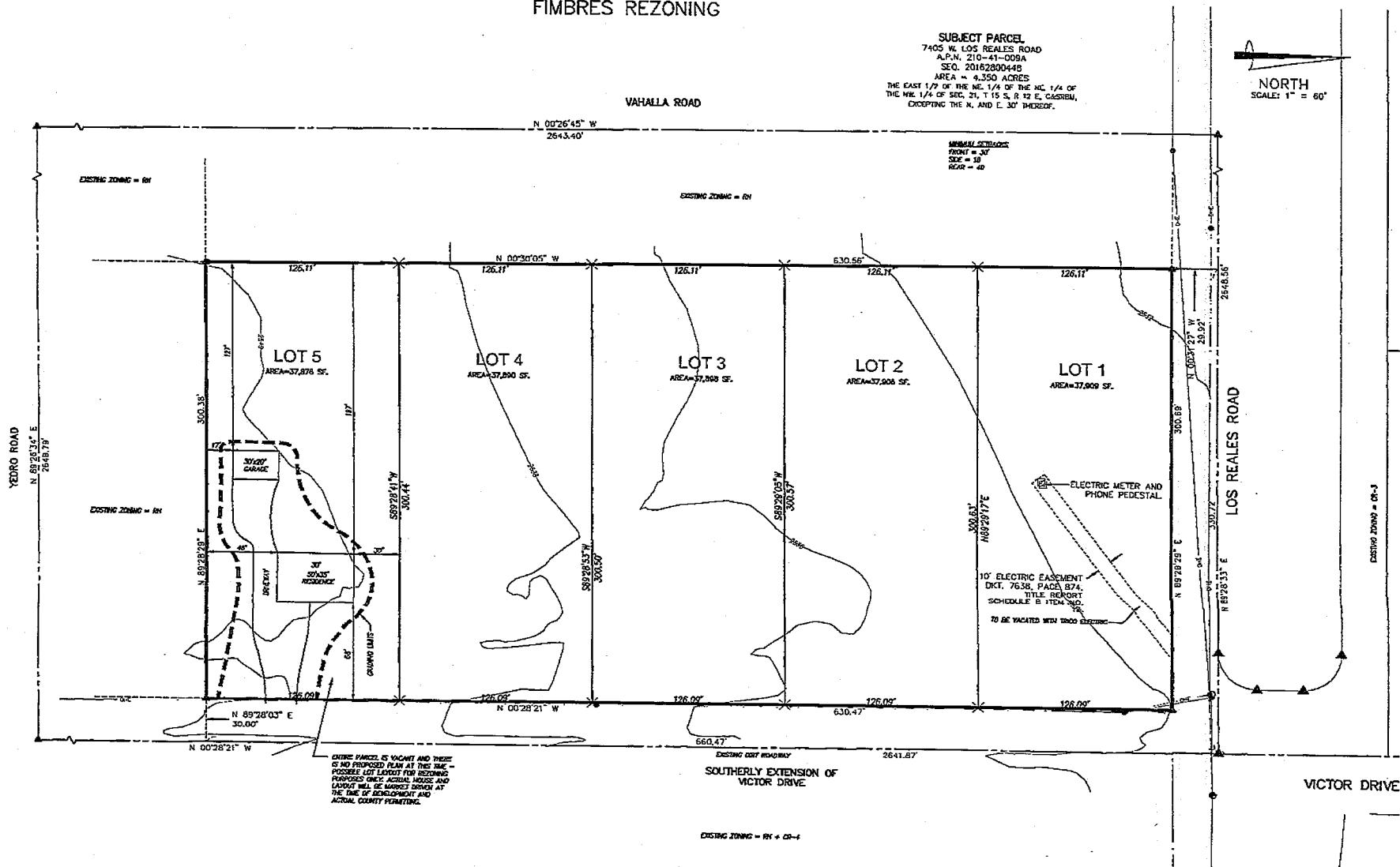
Area of proposed rezoning from RH to GR-1

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION		
<p>PIMA COUNTY DEVELOPMENT SERVICES</p>	<p>Notes:</p> <p>PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10</p>	
	<p>Planning & Zoning Hearing: 11/28/18 (scheduled) Board of Supervisors Hearing: TBA</p>	
	<p>Base Map(s): 65 Map Scale: 1:6,000 Map Date: 10/31/2018 - ds</p>	

SKETCH PLAN
FIMBRES REZONING

SUBJECT PARCEL
7405 W. LOS REALES ROAD
A.P.N. 210-41-009A
SEQ. 20162800448
AREA = 4.350 ACRES
EAST 1/2 OF THE NE 1/4 OF THE NW 1/4 OF
NW 1/4 OF SEC. 21, T 15 S. R 12 E. CASERNU.
EXCEPTING THE N. AND E. 30' THEREOF.

NORTH
SCALE: 1" = 60'



David Petersen

From: noreply@server.mailjol.net on behalf of allForms <noreply@server.mailjol.net>
Sent: Friday, August 31, 2018 4:18 PM
To: DSD Planning
Subject: Application For Rezoning or Specific Plan
Attachments: 10954802.zip

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Some files had been uploaded along with this submission. To download the files visit the link provided below. You will need to supply your AllForms' login e-mail and password to download the files. We store all the uploaded files in zipped format, so you will need a unzipping program like WinZip to view or extract the files. Make sure you do a virus scan before trying to access these files on your system.

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Form Results	
Disregard	***>> DISREGARD The message above the Form Results ROW <<<***
Note about attachments	***>> Pima County virus software CYLANCE automatically scans files. There IS NOT a right mouse scan this file option. Attachments are scanned by our email appliance when received, then again by Cylance when saved or opened. <<<***
Owner Name	Francisco Fimbres
Owner Address	7401 W Los Reales Road
Owner City	Tucson
Owner State	AZ
Owner Zipcode	85757
Owner Phone	520-850-6529
Owner_Email	margaritas.69@hotmail.com
Applicant Name	Ken Perry
Applicant Address	505 W Wetmore Road
Applicant City	Tucson
Applicant State	AZ
Applicant Zipcode	85705
Applicant Phone	520-620-9870
Applicant_Email	kperry@perryengineering.net
Property Address	7401 W Los Reales Road
Property Parcel Number	210-41-009A

Property Acreage	4.34
Property Present Zone	RH
Property Proposed Zone	GR1
Policies	3 - Southwest, MIR
FTP-Link	https://www.dropbox.com/sh/rodt5eo7oornt5/AADyA7Yb6V14Q574GgSRIhC6a?dl=0
Signature	I confirm the information provided is true and accurate 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. (By checking the box, I am electronically signing this application.)
Application Date	31-Aug-2018
More Information about this submission and submitter	
Submission ID	10954802
Date & Time	31st Aug 2018 4:18 PM
Form Location	http://web1.plma.gov/applications/rezoning/
IP Address	162.211.48.46
Browser Info	Mozilla/5.0 (Windows NT 6.1) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/68.0.3440.106 Safari/537.36
Predicted Country	United States

08-27-2018

PERRY
ENGINEERING

Development Services
Pima County
201 N Stone Ave.
Tucson, AZ 85701

RE: FIMBRES Residential Rezoning Request Letter, Parcel Number 210-41-009A

All,

please consider this our official Residential Rezoning Request Letter for Parcel Number 210-41-009A, Located at 7401 W Los Reales Rd.

The existing zoning of the subject parcel is RH (Rural Homestead). The existing zoning allows for Low Density Residential and Agriculture with a minimum lot size of 180,000 sf. The parcel is currently vacant. The requested zoning is GR1 (Rural Residential). The requested zoning allows for Residential and Agriculture with a minimum lot size of 36,000 sf. The proposed rezoning and lot split would match the general use of the neighboring properties that surround this location.

The requested zoning would allow 5 lots to be created. Each lot would have a single-family residence on it. The square footage and height of the proposed structures would be market driven at the time of sale and construction and are unknown at this time.

The site is currently vacant. There are no existing structures on the property. There is one Trico electrical easement on the property that will be abandoned through development of the lot the easement is on directly with Trico.

The proposed lots will receive water by a new common water well located on the property. The property is in the Metro water service area, but Metro has no facilities in the area, nor any planned at this time.

The proposed lots will be connected to the existing 12" public sewer that runs down the centerline of S. Victor Drive (G-2001-135). S Victor Drive is the easterly frontage of the proposed lots.

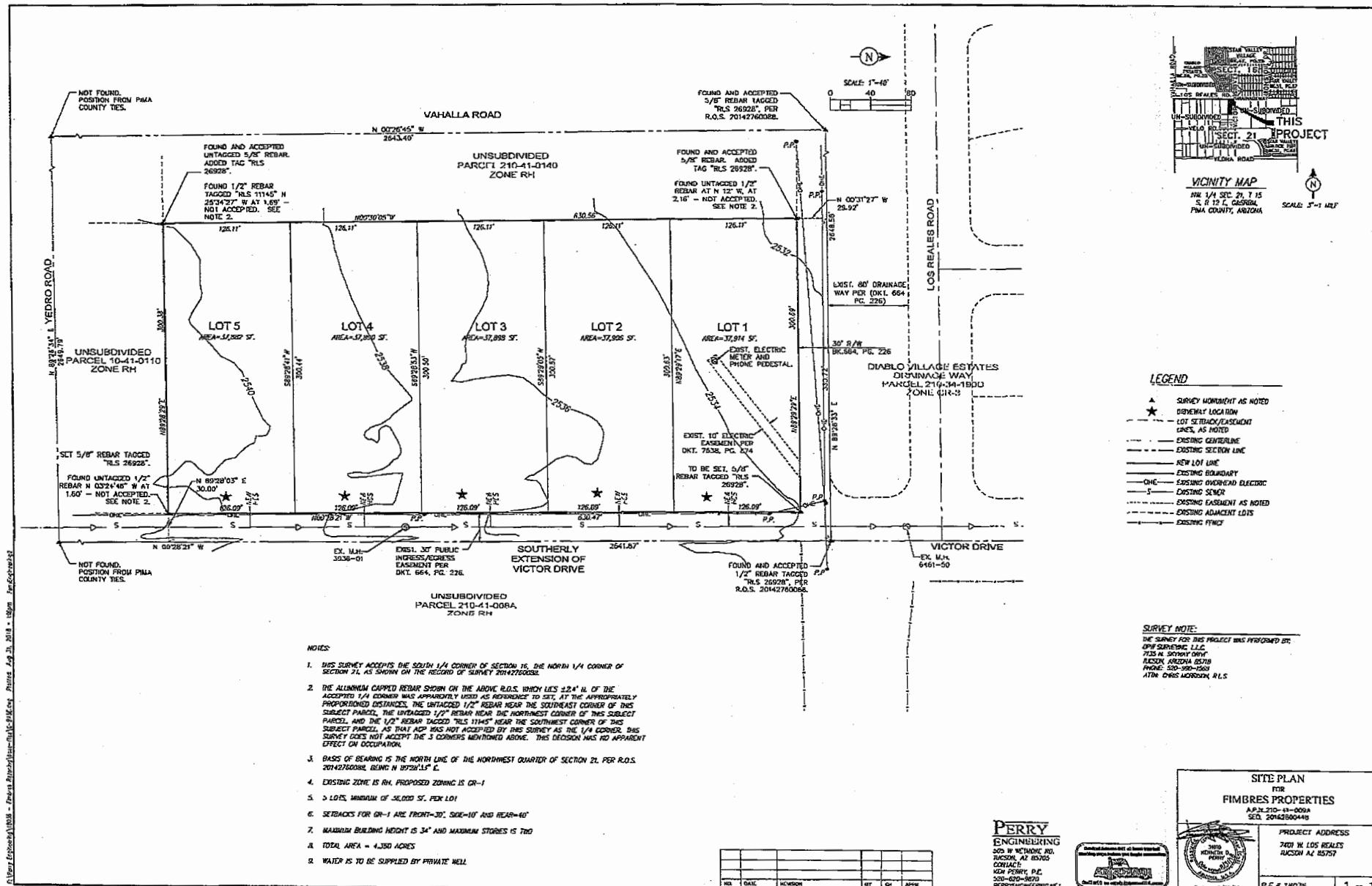
The existing lot coverage is native desert underbrush. Clearing necessary to build the residences will take place. Areas outside the home and yard would be regraded and native plants would be allowed to grow back.

Sincerely,

Perry Engineering, LLC

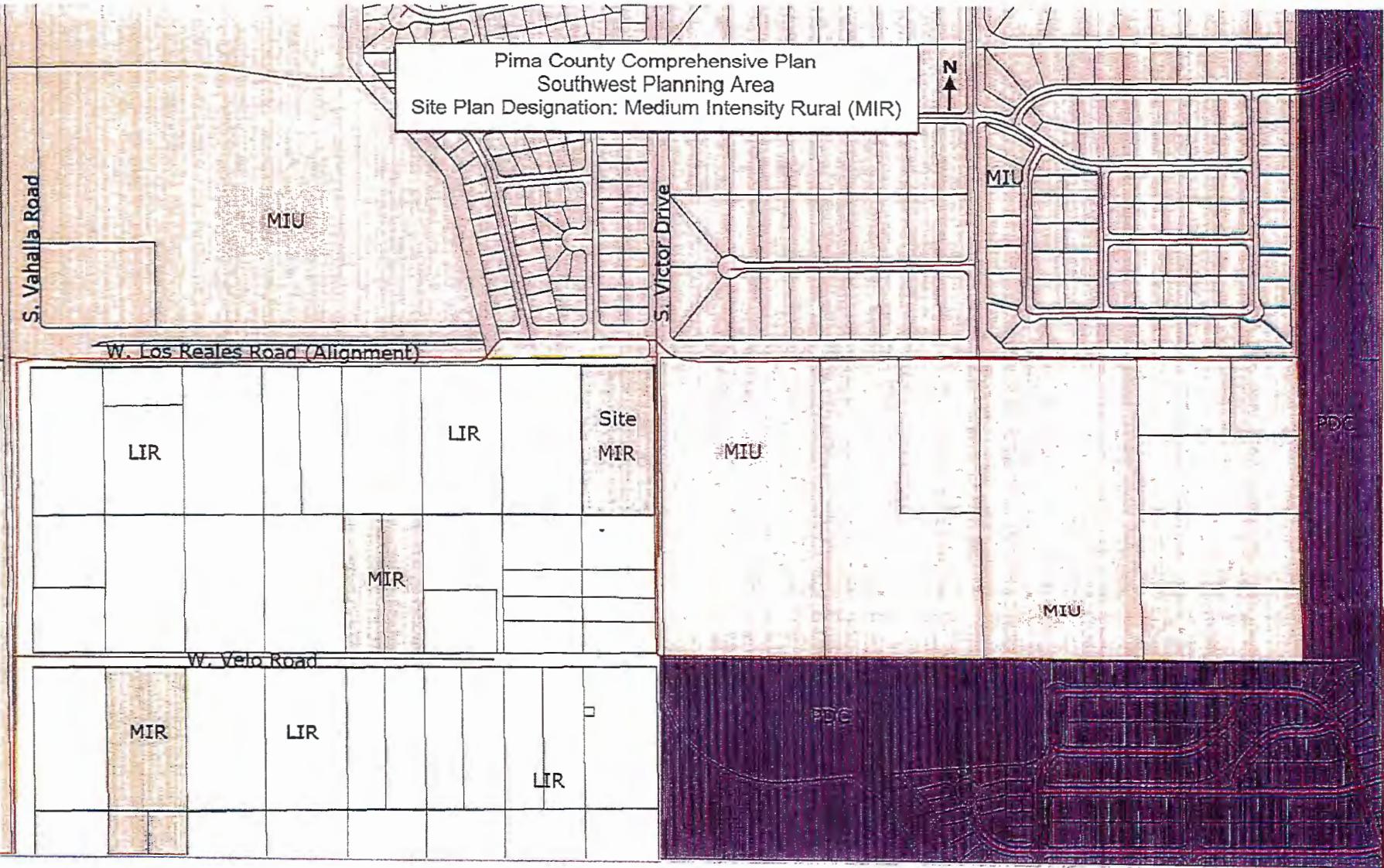
A handwritten signature in black ink, appearing to read "Ken Perry".

Ken Perry, PE, LEED AP
Principal



Pima County Comprehensive Plan
Southwest Planning Area
Site Plan Designation: Medium Intensity Rural (MIR)

N



Excerpt from Pima Prospects FINAL (as adopted 2015)

Land Use Legend

The Land Use Intensity Legend is composed of a number of "urban/suburban", "rural" land use, and general categories. Urban/suburban designations are usually used in the metropolitan areas of Tucson, Green Valley and certain unincorporated communities. Rural land uses are generally used in exurban and rural locales. General categories can be found throughout the unincorporated county. Each category includes a description of the objectives and the types of uses intended for that category. In addition, most categories that allow residential uses include a minimum and maximum gross density, defined as residences per acre (RAC). Only land area zoned and planned for residential use or open space areas not including golf courses, shall be included in gross density calculations.

Effective densities throughout the rezoning process may be constrained by hydrology, open space requirements, overlay zones, cultural resources, and many other factors.

A. RURAL INTENSITY CATEGORIES

The following land use categories shall be applied to designate rural development intensities on the land use plan.

3. Medium Intensity Rural (MIR)

- a. Objective: To designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials, or suburban areas.
- b. Residential Gross Density: Residential gross density shall conform to the following:
 - 1) Minimum – none
 - 2) Maximum – 1.2 RAC.
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
 - 1) Minimum – none
 - 2) Maximum – 1.2 RAC.

Pima County Comprehensive Plan
Special Area Policy 3-29 Southwest
Infrastructure Plan (SWIP)

S-29

W. Los Robles Road (Augmentation)

W. 7th Street

SWIP

Special Area and Rezoning Policies

Chapter 9: Special Area Policies - General Location, Description and Policy

Special Area Policies (SAP) are one of the two types of mapped plan policies (along with Rezoning Policies (RP), covered in a following section of this chapter. SAPs apply to sites typically composed of multiple parcels that share a unique physical feature or location over a relatively large area. They overlay larger areas such as transportation gateways into metro Tucson, significant floodplains, or areas covering a significant portion of a planning area carried forward from a previous (rescinded) area, neighborhood, or community plan.

They are used to help guide the creation of rezoning conditions, but also may serve as general policy for the area they cover such as the Community Development Target Areas.

Special Area Policies are labeled as "S" and are numbered individually on the plan's land use maps. In parenthesis next to the policy title is the referenced map in which the special area lies.

• • • • •

S-29 Southwest Infrastructure Plan (SWIP) Area (SW)

General location

Generally bounded by Tucson Mountain Park on the north, Mission Road on the east, the Tohono O'odham Nation – San Xavier District on the south, and Sandario Road on the west, in Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 14 South, Range 11 East; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Township 15 South, Range 11 East; Sections 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Township 14 South, Range 12 East; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of Township 15 South, Range 12 East; Sections 30, 31, 32, 33, and 34 of Township 14 South, Range 13 East; and Sections 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21 of Township 15 South, Range 13 East (Ref. Co7-07-31, Resolution 2009-24).

Policies

A. Comprehensive Planning:

1. The Southwest Infrastructure Plan (SWIP) shall be used to guide needs, obligations, funding, and provision of infrastructure and services related to transportation, flood control, wastewater, parks and recreation, and other governmental facilities.
2. New residential uses are incompatible within the one-half mile area from the bounds of the Tucson Trap and Skeet Club (Tax Code 210-12-0420). Any conflicts with policies approved under previous plan amendments shall be resolved at the time of the rezoning or specific plan.
3. Proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the Southwest Infrastructure Plan (SWIP).

B. Environmental Planning:

At a minimum, applicable Maeveen Marie Behan Conservation Lands System Conservation Guidelines shall be complied with by providing for mitigation onsite, offsite, or in some combination thereof.

C. Regional Flood Control District:

1. No building permits shall be issued until offsite flood control improvements are constructed to remove proposed development out of the FEMA 100-year floodplain.
2. Development shall not occur within the Black Wash Administrative Floodway.

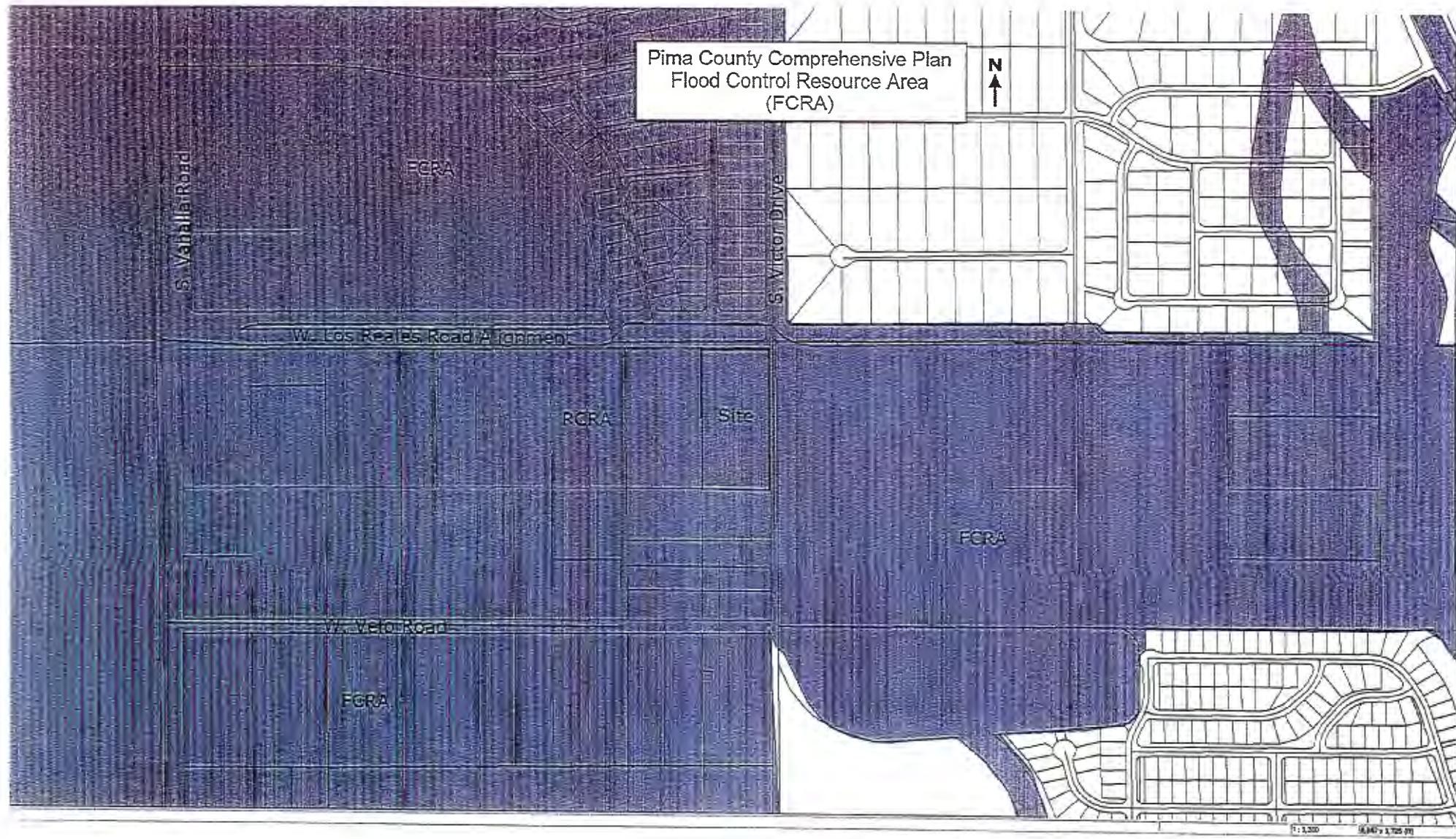
D. Wastewater Management:

No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner/developer to that effect. Adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner/developer and other affected parties.

E. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer.

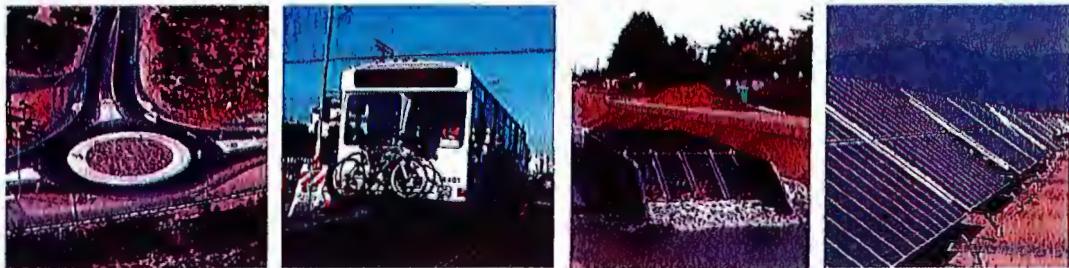
Table SU-1 Land Use Sustainability Goals and Principles

<i>Environment</i>	<i>Economy</i>	<i>Social Well-Being, Opportunity, & Equity</i>
<i>Goal: Develop a land use plan that respects and enhances natural and cultural resources and the built environment.</i>	<i>Goal: Create a diverse, stable and healthy economy.</i>	<i>Goal: Promote a strong community where individuals, families and neighborhoods thrive from generation to generation.</i>
<i>Principles</i>	<i>Principles</i>	<i>Principles</i>
Env-1 Concentrate new growth in designated areas outside of the Conservation Lands System that are in close proximity to existing development, with appropriate buffers where existing residential developments have lower densities.	Strive for a jobs-housing balance. Econ-1	Ensure effective citizen participation in land use and development decision-making. Soc-1
Env-2 Build compact, mixed-use communities that are walkable and bicycle-friendly and which offer easy access to employment and amenities.	Attract employers who provide long-term living wage jobs. Econ-2	Provide community-based access to quality health care, education, government, and retail services for all residents. Soc-2
Env-3 Increase transportation choice and provide public transit opportunities through integrated land use and transportation planning	Provide access to job training and higher education opportunities for all residents. Econ-3	Provide a mix of housing types for all income levels. Soc-3
Env-4 Protect the health and ecology of the Sonoran Desert by preserving wildlife habitat and maintaining and enhancing habitat connectivity.	Promote a diverse range of economic opportunities for all segments of the community. Econ-4	Encourage new development projects to include an affordable housing component and home buyer education programs. Soc-4
Env-5 Maintain and protect important riparian areas (defined by both CLS IRA and RT designations) and their associated uplands in a natural state.	Build upon existing community strengths and amenities to attract desirable and environmentally-friendly employers and industries. Econ-5	Create and maintain safe neighborhoods. Soc-5
Env-6 Promote the sustainable use of water resources and maintain the health of natural hydrologic processes and functions where warranted.	Support the development of telecommunications services and infrastructure to reduce travel demand, remove barriers to job location, and support a modern economy. Econ-6	Promote the use of open space lands for pocket parks, public plazas, community gardens, and other community gathering places. Soc-6
Env-7 Make efficient use of land and materials to reduce undesirable emissions and waste.		Provide diverse recreational opportunities for people of all ages. Soc-7
Env-8 Protect cultural resources and lands of cultural significance.		Provide pedestrian and bicycle trails that connect neighborhoods to optimally located amenities, services, and public open spaces. Soc-8
Env-9 Promote community-supported and recreational agricultural opportunities on lands uniquely suited for such use and strengthen networks for local food production.		Ensure land use and infrastructure decisions fairly treat all segments of the community, and that public amenities are distributed throughout the community. Soc-9
Env-10 Promote energy conservation and efficiencies, and encourage the use of renewable energy sources.		Foster a "spirit of place" that respects cultural heritage and traditions, and celebrates our richness and diversity as a community. Soc-10
Env-11 Support "green building" concepts and programs for residential, commercial and industrial buildings and developments.		Build partnerships with local municipalities, state and federal governments, and other organizations in order to achieve more complete communities. Soc-11
Env-12 Foster a "sense of place" in the built environment through an understanding of historic and cultural context, environmentally-sensitive site planning, and excellence in design.		



Physical Infrastructure Connectivity

Chapter 4: Physical Infrastructure Connectivity Goals and Policies



The Physical Infrastructure Connectivity chapter addresses aspects of physical infrastructure including:

- transportation;
- water resources, including conservation, supply, demand and quality;
- wastewater;
- energy, including alternative energy sources;
- waste removal and recycling;
- brownfield clean up and redevelopment potential;
- communications;
- public facilities and grounds;
- trails;
- **flood control/drainage;**
- county-wide infrastructure concurrency.

Elements in this chapter provide goals and policies related to the efficient use of existing and planned infrastructure needed to support current populations and accommodate future growth. Each of the topics in the chapter either cover a part of the County's critical infrastructure, connect people and goods or both. All are components of the outlined regional vision noted in Chapter 1.

4.9 Flood Control and Drainage Element



Arizona Revised Statutes Sections 48-3601 through 48-3650 direct each Flood Control District Board of Directors to adopt and enforce floodplain regulations consistent with criteria adopted by the Director of Arizona Department of Water Resources. The floodplain regulations adopted by the District are intended to carry out the requirement of the national flood insurance program. The purpose of floodplain regulations is to comply with the directive of ARS 48-3609 and 44 CFR Chapter 1 pertaining to the National Flood Insurance Program, to promote and protect the health, peace, safety, comfort, convenience and general welfare of the residents within the jurisdictional area of Pima County; to minimize public and private losses due to flood conditions in specific areas; and to enable Pima County and its residents to participate in the National Flood Insurance Program, receive Federal Disaster Assistance, obtain flood insurance and reduce the cost of flood insurance.

The Pima County Regional Flood Control District strives to use forward-looking floodplain management practices to minimize flood and erosion damages for all county residents, property and infrastructure. Regionally, the District is involved in a variety of flood monitoring, flood control and natural resource management activities. It also performs floodplain management activities within unincorporated portions of Pima County. While the District is a regional authority, undertaking flood mitigation efforts throughout Pima County, it does not regulate floodplains within incorporated areas or on Tribal Nations.

County efforts to comply with and exceed National Flood Insurance Program requirements have been so successful that residents are currently eligible for up to a 25 percent discount on flood insurance. By pursuing the goals below, the County plans to improve performance under the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Community Rating System, thereby reducing rates even further, and more importantly, doing the best we can to protect public safety.

To accomplish this, the District, in addition to being the official depository and interpreter of FEMA Flood Insurance Rate Maps, also maps floodplains and riparian habitat which FEMA is not aware of based upon better local knowledge of conditions and risks. For the purposes of this plan, these risks are reflected by "Resource Areas" as shown on the 13 Regional Hydrology maps included at the end of this Chapter. These maps depict known flood related risks and flood control resources and define the areas for which the resources area provisions apply. The mapped resource areas consist of FEMA and locally mapped floodplains as well as Pima County Regulated Riparian Habitat (PCRRH). For accurate interpretation of the boundaries and characteristics of these areas including the applicable regulations, the District shall remain the final authority and may modify the boundaries of and add to these areas as new information becomes available.

Goal 1: Minimize flood and erosion damages for all County residents, property and infrastructure

- Policy 1: Continue to monitor, control and manage natural resources to minimize flood and erosion damages by implementing the Floodplain Management Ordinance and addressing the impact of development on flooding, erosion and riparian habitat.
- Policy 2: Update and implement the FEMA-approved Pima County Multi-Hazard Mitigation Plan.
- Policy 3: Preserve washes with a base flood peak discharge equal to or greater than 100 cfs as well as existing riparian habitat including Pima County Regulated Riparian Habitat in their natural condition.
- Policy 4: Administer flood control planning and design on an area-wide basis in conformance with the Watershed Management Plan/Critical and Balanced Basin Map.
- Policy 5: Require that drainage improvements are consistent with the overall character of the area and do not create nor worsen existing drainage problems.
- Policy 6: Design road crossings of washes to cross the floodplain with minor encroachment.
- Policy 7: Continue to require private and public utility projects to conform to all applicable requirements of Title 16 of the Pima County Code including Section 16.30 regarding Riparian Habitat Mitigation Plans (RHMPs).

Goal 1 Implementation Measures:

- a. Require, when appropriate, avoidance of development in Resource Areas as identified in the Regional Hydrology maps including FEMA and locally mapped floodplains, and PCRRH. Encourage use of Flood Control District Modified Development Standards or the Zoning Code Transfer of Development Rights to maintain similar yields while maintaining these areas as open space in order to increase public safety, and reduce infrastructure investment, maintenance and insurance costs.

- b. Preserve riparian areas by using the Flood Control District Modified Development Standards located in chapter 18.07 of the zoning code, Title 16 of the County Code(Floodplain Management) and/or other strategies for transferring densities to areas of the property outside of floodplains and riparian areas.
- c. As new floodplain mapping is completed, either by the District or by a developer, update the Resource Areas on the Regional Hydrology Maps to reflect this new information.
- d. Work with construction industry stakeholders to review current riparian habitat protection ordinance to identify barriers and obstacles to development and adjust ordinance as necessary to accommodate.

Storm Water Runoff

Pima County manages storm water to ensure public safety through three regulatory mechanisms:

- The Pima County Regional Flood Control District, through the Floodplain Management Ordinance, addresses the impact of development on flooding, erosion and riparian habitat.
- The Department of Environmental Quality administers programs to address storm water quality.
- The Pima County Building and Zoning codes contain provisions establishing minimum standards for site grading, site drainage and design.

Goal 2: Manage storm water to protect lives and property, to reduce flood risk and to assure no adverse impact to adjacent or downstream properties

Policy 1: Continue to require new development to comply with all applicable requirements of the Floodplain Management Ordinance addressing the impact of development on flooding, erosion and riparian habitat.

Policy 2: Continue to require all new development to comply with all applicable provisions establishing minimum standards for site grading, site drainage and design included in the Pima County Building and Zoning codes.

Goal 2 Implementation Measures:

- a. Work with stakeholders to update, as needed, the Pima County Floodplain Management Ordinance.

