



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 11/19/2024

\*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

**\*Title:**

P24RZ00007 YBARRA – S. BUTTS ROAD REZONING

**\*Introduction/Background:**

The owners request a rezoning of approximately 3.35 acres from the SR (TDR-RA) (Suburban Ranch – Transfer of Development Rights-Receiving Area) to the CR-1 (TDR-RA) (Single Residence – Transfer of Development Rights-Receiving Area) zone.

**\*Discussion:**

The current SR (TDR-RA) zoning allows for one single-family residence on the 3.35-acre parcel. A rezoning to CR-1 (TDR-RA) will allow the property to be split into three parcels and allow one single-family residence per lot. This rezoning plans for an increase of two single-family residences.

**\*Conclusion:**

The proposed rezoning conform to the LIU-3.0 Comprehensive Plan designation.

**\*Recommendation:**

Staff and the Planning and Zoning Commission recommend APPROVAL of the rezoning subject to conditions.

**\*Fiscal Impact:**

0

**\*Board of Supervisor District:**

1    2    3    4    5    All

Department: Development Services - Planning

Telephone: 520-724-6675

Contact: Donna Spicola, Planner II

Telephone: 520-724-9513

Department Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_

10/30/24

Deputy County Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

10/30/2024

County Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

30 Oct 2024



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**TO:** Honorable Dr. Sylvia M. Lee, Supervisor, District 3

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

**DATE:** October 29, 2024

**SUBJECT: P24RZ00007 YBARRA – S. BUTTS ROAD REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, November 19, 2024** hearing.

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**REQUEST:** For a **rezoning** of approximately 3.35 acres from the SR (TDR-RA) (Suburban Ranch – Transfer of Development Rights-Receiving Area) to the CR-1 (TDR-RA) (Single Residence – Transfer of Development Rights-Receiving Area) zone, located on the west side of S. Butts Road, approximately 900 feet south of the T-intersection of W. Irvington Road and S. Butts Road, addressed as **5050 S. Butts Road**.

**OWNERS:** John and Denise Ybarra  
5050 S. Butts Road  
Tucson, AZ 85757

**AGENT:** Owner

**DISTRICT:** 3

**STAFF CONTACT:** Donna Spicola, Planner II

**PUBLIC COMMENT TO DATE:** As of October 29, 2024, no written public comment has been received.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 10-0

**STAFF RECOMMENDATION:** APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

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

TD/DS  
Attachments



**BOARD OF SUPERVISORS MEMORANDUM**

**SUBJECT: P24RZ00007**

Page 1 of 2

**FOR NOVEMBER 19, 2024 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

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

**DATE:** October 29, 2024

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**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING**

**P24RZ00007 YBARRA – S. BUTTS ROAD REZONING**

John and Denise Ybarra request a **rezoning** of approximately 3.35 acres from the SR (TDR-RA) (Suburban Ranch – Transfer of Development Rights-Receiving Area) to the CR-1 (TDR-RA) (Single Residence – Transfer of Development Rights-Receiving Area) zone, located on the west side of S. Butts Road, approximately 900 feet south of the T-intersection of W. Irvington Road and S. Butts Road, addressed as **5050 S. Butts Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 3.0. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 10-0**. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.  
(District 3)

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**Planning and Zoning Commission Public Hearing Summary (September 25, 2024)**

The public hearing was a hybrid meeting. Staff and the commissioners attended in person and virtually. The applicant attended and presented virtually.

Staff presented information from the staff report to the commission with a recommendation of approval subject to standard and special conditions.

A commissioner asked whether the lot closest to the street will be connected to sewer or septic. Staff responded that there is a sewer line located in Butts Road which serves the school and at this time, septic is conceptual for the eastern lot and will be determined at the time of permitting.

A commissioner stated that there is transfer of development rights associated with the parcel and would like an explanation of the meaning and how it affects this rezoning. Staff responded that the transfer of development rights is an optional program, and we have not had anyone take advantage of the program, but anytime where there is a rezoning involved the transfer of development rights overlay will be mapped as either a sending or receiving area and demonstrated within the rezoning application. The more biologically sensitive areas were

identified as sending areas and areas that were right for development, or maybe want to see a higher density or have better proximity to infrastructure were identified as receiving areas. The transfer of development rights requires a willing seller from a sending area to implement the process in a receiving area. The program is limited by the densities allowed under the comprehensive plan. No transfer of development rights has been requested within this application

The applicant stated the main reason for the rezoning is to build a home for their parents as they get older.

The public hearing was opened and there were no speakers; the public hearing was closed.

A commissioner asked staff about the note in the staff report encouraging the applicant to seek coverage under the county's ESA section 10 and whether there is guidance for that process. Staff stated this is a straightforward process and to contact Jenny Neely. It is simple to join during permitting at a very minimal cost.

A commissioner asked about the water district's recommendation about bringing water to all three proposed lots before the parcels are made official, so they are not intentionally removed from the Tucson Water Service area and questioned whether they do that now or is there a proposed rezoning condition. Staff stated that Tucson's water service policy states service cannot leapfrog and there could be a significant cost to require service up front. Staff is reluctant to make a rezoning condition but since it is on record, that is sufficient. Staff stated that the applicant needs to be mindful of the future potential issue when creating the properties officially.

Commissioner Cook made a motion to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**; Commissioner Hanna gave second.

The commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** 10-0, 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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. The property owner(s) shall dedicate 30 feet of right-of-way for Butts Road along the east property boundary.
  - B. The property shall be limited to one (1) access point on Butts Road.
  - C. A shared access easement for legal access between the properties is required prior to the issuance of a building permit.
  - D. Surface treatment for dust control purposes for the private drive(s) shall be determined at the time of building permitting.
  - E. A 1-foot no access easement shall be provided along the east property boundary adjacent to Butts Road excluding the access point.
  - F. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements
3. Flood Control District condition: The mapped Regulated Riparian Habitat on the western most parcel (labeled as Parcel 1 on the sketch) shall remain undisturbed. Any disturbance to the riparian habitat vegetation will require mitigation.
4. Wastewater Reclamation conditions:
  - A. The owner(s) shall construe no action by Pima County as a commitment of capacity

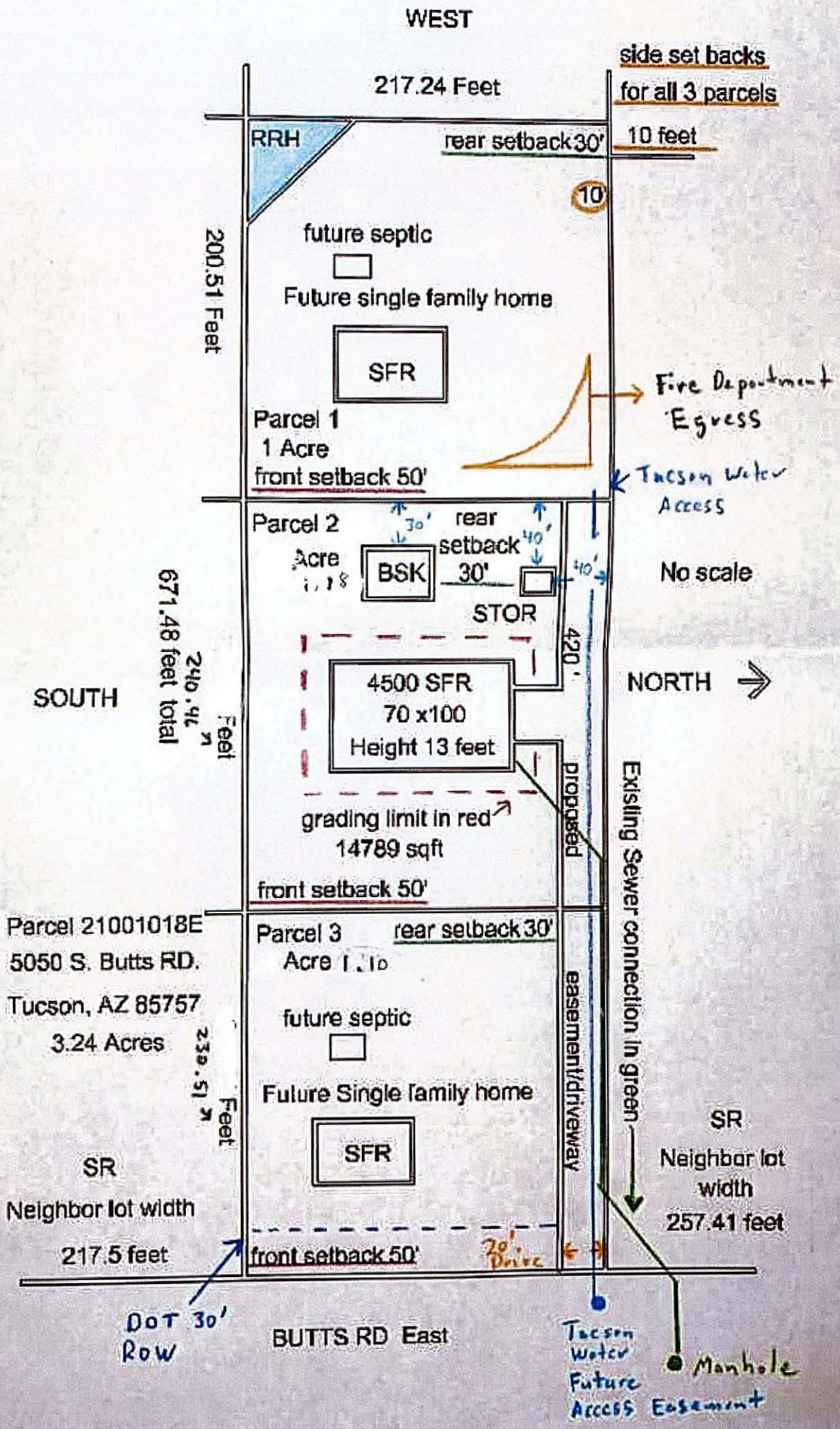
- to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
- B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) stating that treatment and conveyance capacity 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 is permanently committed for any new development within the rezoning area.
5. Cultural Resources condition: A caution must be noted concerning human burials. 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. Environmental Quality conditions:
    - A. It is the responsibility of the owner to obtain a Construction Authorization from Pima County prior to constructing onsite wastewater treatment facilities; additionally, a Discharge Authorization must be issued by PDEQ before connecting and discharging to the aforementioned onsite wastewater treatment facilities.
    - 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 Permit shall be obtained.
  7. Adherence to the sketch plan as approved at public hearing.
  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.

9. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "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)."

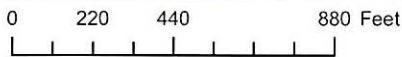
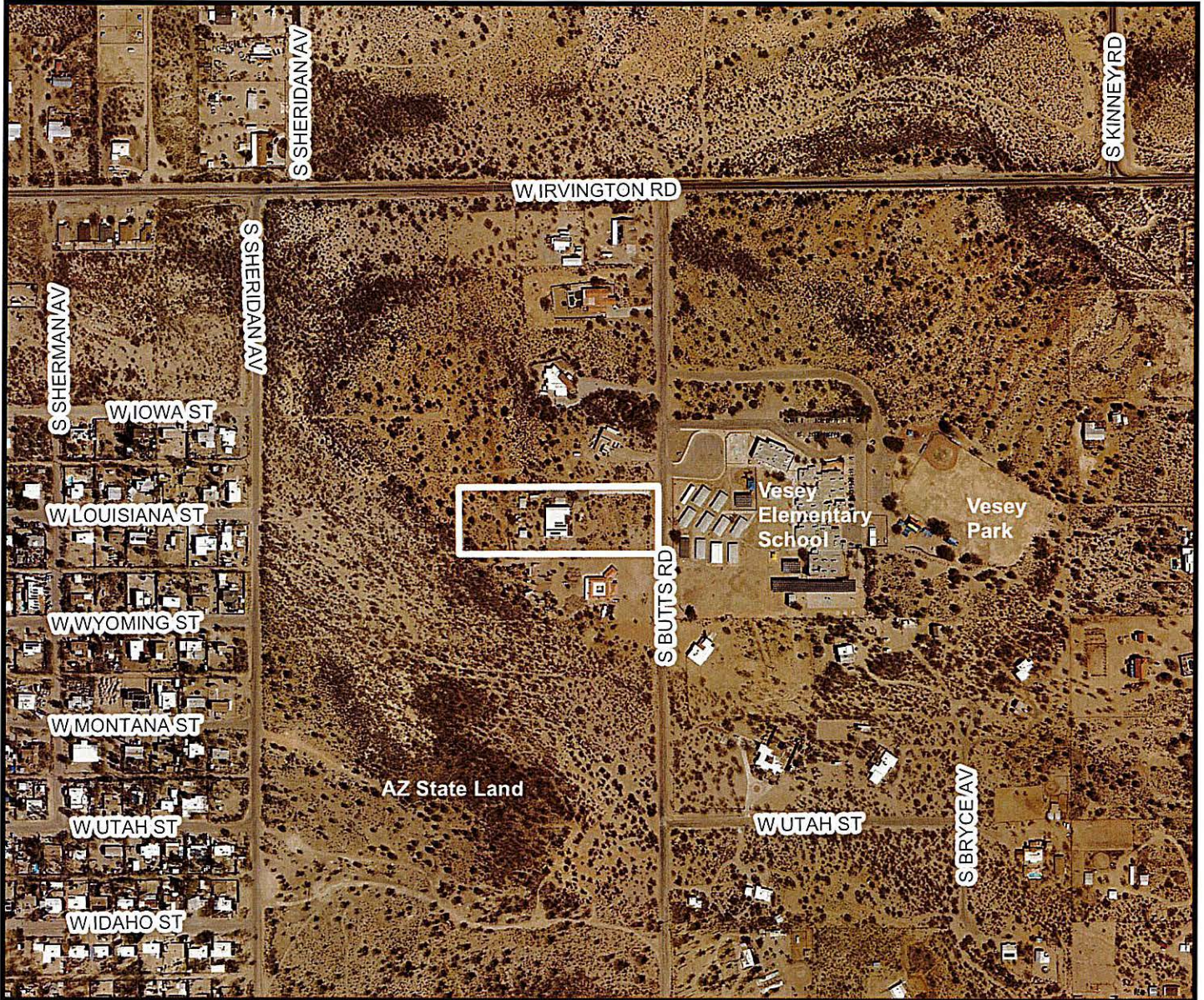
TD/DS  
Attachments

c: John and Denise Ybarra





Case #: P24RZ00007  
 Case Name: YBARRA - S. BUTTS ROAD REZONING  
 Tax Code(s): 210-01-018E

Aerial Exhibit



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION

|   |   |   |
|---|---|---|
|  | Notes:  |  |
|   |   |   |
|   | Map Scale: 1:6,000      Map Date: 8/5/2024 - ds |   |



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

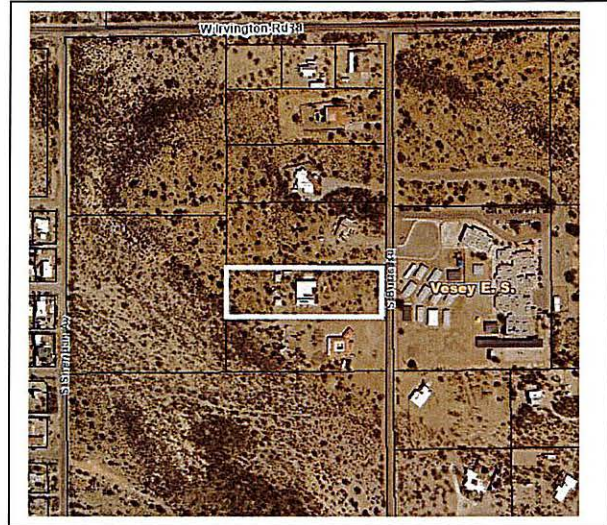
**HEARING**      September 25, 2024

**DISTRICT**     3

**CASE**         P24RZ00007 Ybarra - S. Butts Road  
Rezoning

**REQUEST**     Rezone from SR (TDR-RA)  
(Suburban Ranch – Transfer of  
Development Rights-Receiving  
Area) to CR-1 (TDR-RA) (Single  
Residence – Transfer of  
Development Rights-Receiving  
Area) zone (approximately 3.35  
acres)

**OWNER**        John & Denise Ybarra  
5050 S. Butts Road  
Tucson, AZ 85757



**APPLICANT**   Owner

**APPLICANT'S PROPOSED USE**

The proposal of the 3.35-acre rezoning to the CR-1 (TDR-RA) (Single Residence – Transfer of Development Rights-Receiving Area) zone is to allow the property to be split into three lots for residential use.

**APPLICANT'S STATED REASON**

The applicant is requesting this rezoning so that they may provide the eastern lot for a family member to build a single-family residence, the existing primary residence is located on the center lot and the western lot will remain vacant until such time they decide to add an additional residence.

**STAFF REPORT SUMMARY**

Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes to rezone the property to allow the parcel to be split into three lots with each lot containing one single-family residence. Although there are some vacant parcels contiguous to the subject parcel, the area has mainly low-density acreage lots with some subdivisions that are equivalent to or with a higher density. The proposed rezoning conforms to the Comprehensive Plan land use designation of Low Intensity Urban 3.0 and is located within the Southwest Focused Development Investment Area, considered a growth area.

**PUBLIC COMMENT**

As of the writing of this report, staff has received no written public comment.

Published and mailed notice of the proposal along with the website posting of staffs' report will occur a minimum of fifteen days prior to public hearing. The website will be updated to include public comment throughout the process to the Planning and Zoning Commission and the Board of Supervisors.

**COMPREHENSIVE PLAN**

The Pima County Comprehensive Plan designates the subject property as Low Intensity Urban 3.0 (LIU-3.0), which designates areas for low-density residential and other compatible uses and provides incentives for residential conservation subdivisions to provide more natural open space. The maximum density is 3.0 residences per acre (RAC) with no required minimum density. The proposed density for the subject property is approximately 0.90 RAC before right-of-way dedication and approximately 0.94 RAC after dedication.

Special Area Policy, S-29 Southwest Infrastructure Plan (SWIP) applies to a 70-square-mile area that includes the subject parcel. Policy S-29 addresses the provision of infrastructure and sustainability of proposed development in the SWIP area. The small size of the rezoning may not lend to the application of the SWIP policies. However, the proposal does further the SWIP by dedicating 30 feet of right-of-way for S. Butts Road. This parcel is also located within the Southwest Focused Development Investment Area designated as a growth area. There are no rezoning policies applicable to the subject property.

**SURROUNDING LAND USES/GENERAL CHARACTER**

|        |         |  |
|--------|---------|--|
| North: | SR/CR-1 | Developed Residential                    |
| South: | SR      | Vacant/Developed Residential             |
| East:  | SR      | Vessey Elementary School/Park            |
| West:  | SR/CR-3 | Vacant/Developed Residential Subdivision |

The general area is a rural residential setting, developed predominately with low-density single-family housing with scattered higher density subdivisions. There are limited services available in the area. Approximately one mile north of this rezoning request, a convenience store with gasoline, fast-food restaurants and a commercial center are located at the Ajo Highway/Kinney Road intersection. The nearest public school to the subject site includes an elementary school located across the street, a middle school located one mile to the northeast, and a high school located five and one-half miles northeast of the subject parcel. Located to the north and northeast there are two fire stations within two miles from the requested rezoning. Vessey Neighborhood Park which features a baseball field and ramadas is located less than one-quarter of a mile to the east. Three miles to the north, additional recreational activities are located in Tucson Mountain Park.

**PREVIOUS REZONING CASES ON PROPERTY**

There was one previous rezoning request in 2024 that was closed due to inactivity.

**PREVIOUS REZONING CASES IN GENERAL AREA**

Recent Activity:

- P21RZ00001 Ramirez – S. Sheridan Avenue Rezoning from the SR to the CR-1 zone for one residential lot as approved by the Board of Supervisors August 16, 2021, located approximately one-half of a mile to the south.
- P22RZ00003 Sagu – S. Butts Road #2 Rezoning from the SR to the CR-1 zone for four residential lots as approved by the Board of Supervisors May 3, 2022, located approximately one-third of a mile to the south.

Past Activity:

- Approximately 1000 feet north of this proposed rezoning, rezoning Co9-05-30 for 146.1 acres was approved to the CR-4 (Mixed-Dwelling Type) and is conditionally zoned for a 405-lot subdivision.
- Contiguous to and west of the subject parcel, rezoning Co9-08-05 from the SR to the CR-4 (Mixed-Dwelling) zone was denied due to the density and two-story homes.
- In the general area 16 rezonings from 1978 to 2005 were approved from the SR to the CR-1 zone resulting in low-density development.
- Approximately three quarters of a mile to the east, rezoning case Co9-94-42 was approved to the CR-1 zone that produced a 40-lot platted subdivision known as Sage Creek.
- Approximately 600 feet to the west, Co9-53-66 to the CR-3 (Single Residence) zone that produced a 180-lot platted subdivision known as Sunset Acres; and rezoning Co9-60-78 to the CR-3 zone produced a 44-lot platted subdivision known as Sunset Acres Annex.
- Approximately one-half mile to the northwest, on the same site, two rezonings were approved: Co9-54-08 from the SR to the CB-1 (Local Business) zone and then Co9-62-16 from the CB-1 to the CB-2 (General Business) zone. The majority of the site is vacant land but five single-family homes have been built.

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

The subject property is located outside of the Maeveen Marie Behan Conservation Lands System.

**PLANNING REPORT**

Staff supports the rezoning request to the CR-1 (TDR-RA) zone because the proposed residential development is similar to and compatible with other residential development in the area and the proposed density complies with the Low Intensity Urban 3.0 (LIU-3.0) land use plan designation along with being located within the Southwest Focused Development Investment Area, considered a growth area.

The proposal is for three parcels with one single-family residence per parcel. The three parcels will range in size from 1.0 acre to 1.18 acres. All lots will be accessed from S. Butts Road through an easement for ingress and egress. Currently, one single-family residence exists on the parcel and will be located on the proposed 1.18-acre lot. The 1.0-acre and 1.10-acre lots will accommodate one single-family dwelling per lot. A 30-foot right-of-way dedication of Butts Road will be a requirement of this rezoning along with a one-foot no access easement adjacent to Butts Road excluding the access point. The subject parcel is located in the Tucson Water's obligated service area. Additionally, due to the proximity of sewer service, the proposed eastern lot should have access to public sewer and the proposed western lot will use an on-site septic system.

The overlay designation of Transfer of Development Rights (TDR) allows for potential development when one parcel transfers development rights to another parcel. With this rezoning request, the owner is maximizing development for the CR-1 zoning without the need to purchase any additional development rights.

The subject parcel is relatively flat. The proposed eastern and western lots are vacant and contain partially disturbed natural vegetation. Due to the proposed western lot having a small portion of Regulated Riparian Habitat (RRH) classified as Xeroriparian Class C, rezoning condition #3 requires that the RRH shall remain undisturbed.

US Fish and Wildlife Service is recommending a survey to mitigate for Pima pineapple cactus, but this parcel is located outside of the Priority Conservation Area for Pima pineapple cactus. The applicant is encouraged to get coverage under the County's Endangered Species Act, Section 10 permit, via the Certificate of Coverage Program which will cover any potential impact to the Pima pineapple cactus.

The 3.35-acre parcel for the current SR zoning allows for one residential lot. Allowing the CR-1 rezoning would create three residential lots that conform to the minimum lot size requirement of 36,000 sq. ft. The increase in density of two additional residences should minimally impact on the surrounding properties.

Concurrency of Infrastructure

| <b>CONCURRENCY CONSIDERATIONS</b> |  |                                    |
|-----------------------------------|--|------------------------------------|
| <i>Department/Agency</i>          | <i>Concurrency Considerations Met: Yes / No / NA</i> | <i>Other Comments</i>              |
| TRANSPORTATION                    | Yes  | No objection subject to conditions |
| FLOOD CONTROL                     | Yes  | No objection subject to condition  |
| ENVIRONMENTAL QUALITY             | Yes  | No objection subject to conditions |
| WASTEWATER                        | Yes  | No objection subject to conditions |
| ENVIRONMENTAL PLANNING            | N/A  | -                                  |
| PARKS AND RECREATION              | N/A  | -                                  |
| WATER                             | Yes  | See comments                       |
| SCHOOLS                           | Yes  | No comment                         |

**TRANSPORTATION**

Butts Road is a paved two-lane roadway maintained by the County with a posted speed limit of 35 miles per hour. The most recent traffic count for Butts Road is 344 average daily trips (ADT) with an approximate traffic capacity of 10,360 ADT. Butts Road was established as a 60-foot-wide right-of-way per Road Map No. 350. The east 30 feet of right-of-way for Butts Road exists, but the west 30 feet of land was never acquired. The owner(s) shall dedicate 30 feet for Butts Road right-of-way purposes.

The existing access to the property will remain for the additional residential lots. The property shall be limited to one shared access and the owner(s) shall coordinate with the fire jurisdiction to meet any of their requirements.

There are no concurrency concerns with this request. The Department of Transportation recommends approval of the proposed rezoning subject to conditions #2A-F.

### **FLOOD CONTROL**

The Regional Flood Control District (District) offers the following comments:

- In 2019, conducted a floodplain study, the Red Butte/Saginaw Hill Area Special Study, which provided detailed information of the flood hazards and boundaries. The effective date of this study was July 8<sup>th</sup>, 2019. The study showed the subject parcel is only minimally impacted by the locally determined floodplain and does not impact development potential on the property.
- A Letter of Map Revision (LOMR) was submitted to FEMA because of the more accurate information found from the Red Butte/Saginaw Hill Area Special Study. FEMA reviewed and approved the LOMR (19-09-0046P) and that became effective on May 27<sup>th</sup>, 2020. The subject parcel resides within the approved LOMR boundaries.
- A small portion of Regulated Riparian Habitat (RRH) classified as Xeroriparian Class C Habitat resides in the far southwest portion of the 3.35-acre parcel. The RRH is associated with the floodplain and regulatory washes that reside just outside the subject property to the southwest. The vegetation is critical for maintaining hydrologic integrity of the adjacent floodplain. In effort to ensure the vegetation remains undisturbed, a condition will be placed on this rezoning to ensure the vegetation will remain intact.

The District has no objection to the proposed rezoning subject to condition #3.

### **WASTEWATER RECLAMATION**

The submitted site plan indicates that the new residences will be served by septic systems. The eastern parcel is located close to the existing public sewer on Butts Road and should be able to connect to it using gravity outfall. The western parcel, on the other hand, is over 400 feet away from the sewer and is therefore not required to connect to it, as per Pima County Code 7.21.037.D.

The owner(s) must secure approval from the Pima County Department of Environmental Quality to use an on-site sewage disposal system at the time a tentative plat, development plan, or request for a building permit is submitted for review.

The Regional Wastewater Reclamation Department has no objection to the proposed rezoning subject to rezoning conditions #4A-F.

### **CULTURAL RESOURCES**

Cultural Resources has no objection subject to rezoning condition #5.

### **ENVIRONMENTAL QUALITY**

Environmental Quality (PDEQ) has no objection to the proposed rezoning subject to rezoning conditions #6A-B.

### **WATER DISTRICT**

Tucson City Water has the following comments:

- Tucson Water has no record of a Water Availability Request being made for the subject parcel that is to be split.

- A lot split may unintentionally remove one or more lots out of Tucson Water's Service Area. It is recommended that the owner(s) secure water meters for all future lots prior to the lot split in order to meet the requirements of Tucson Water's Service Area Policy.
- The current configuration will require a main extension of a minimum four-inch water line to be located within a 15-foot easement with no other utilities or obstructions located within the easement; or each parcel is to be configured so there is a minimum of 15-feet of frontage to the water main for each lot.

**SCHOOL DISTRICT**

The Tucson Unified School District has no comment.

**TRICO ELECTRIC**

Trico Electric Cooperative has no comment.

**FIRE DISTRICT**

Drexel Heights Fire Department has no comment.

**UNITED STATES FISH AND WILDLIFE SERVICE**

Although there have not been any sightings of the endangered Pima pineapple cactus (*Coryphantha scheer var. robustispina*) within the project area, the location of this parcel falls within the range of this species. The U.S. Fish and Wildlife Service recommends a survey to reduce impacts to the Pima pineapple cactus.

**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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. The property owner(s) shall dedicate 30 feet of right-of-way for Butts Road along the east property boundary.
  - B. The property shall be limited to one (1) access point on Butts Road.
  - C. A shared access easement for legal access between the properties is required prior to the issuance of a building permit.
  - D. Surface treatment for dust control purposes for the private drive(s) shall be determined at the time of building permitting.
  - E. A 1-foot no access easement shall be provided along the east property boundary adjacent to Butts Road excluding the access point.
  - F. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements
3. Flood Control District condition: The mapped Regulated Riparian Habitat on the western most parcel (labeled as Parcel 1 on the sketch) shall remain undisturbed. Any disturbance to the riparian habitat vegetation will require mitigation.
4. Wastewater Reclamation conditions:
  - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve 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) stating 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 is permanently committed for any new development within the rezoning area.
5. Cultural Resources condition: A caution must be noted concerning human burials. 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. Environmental Quality conditions:
- A. It is the responsibility of the owner to obtain a Construction Authorization from Pima County prior to constructing onsite wastewater treatment facilities; additionally, a Discharge Authorization must be issued by PDEQ before connecting and discharging to the aforementioned onsite wastewater treatment facilities.
  - 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 Permit shall be obtained.
7. Adherence to the sketch plan as approved at public hearing.
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.

9. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "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,

*D. Spicola*

Donna Spicola  
Planner II

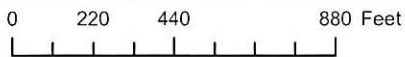
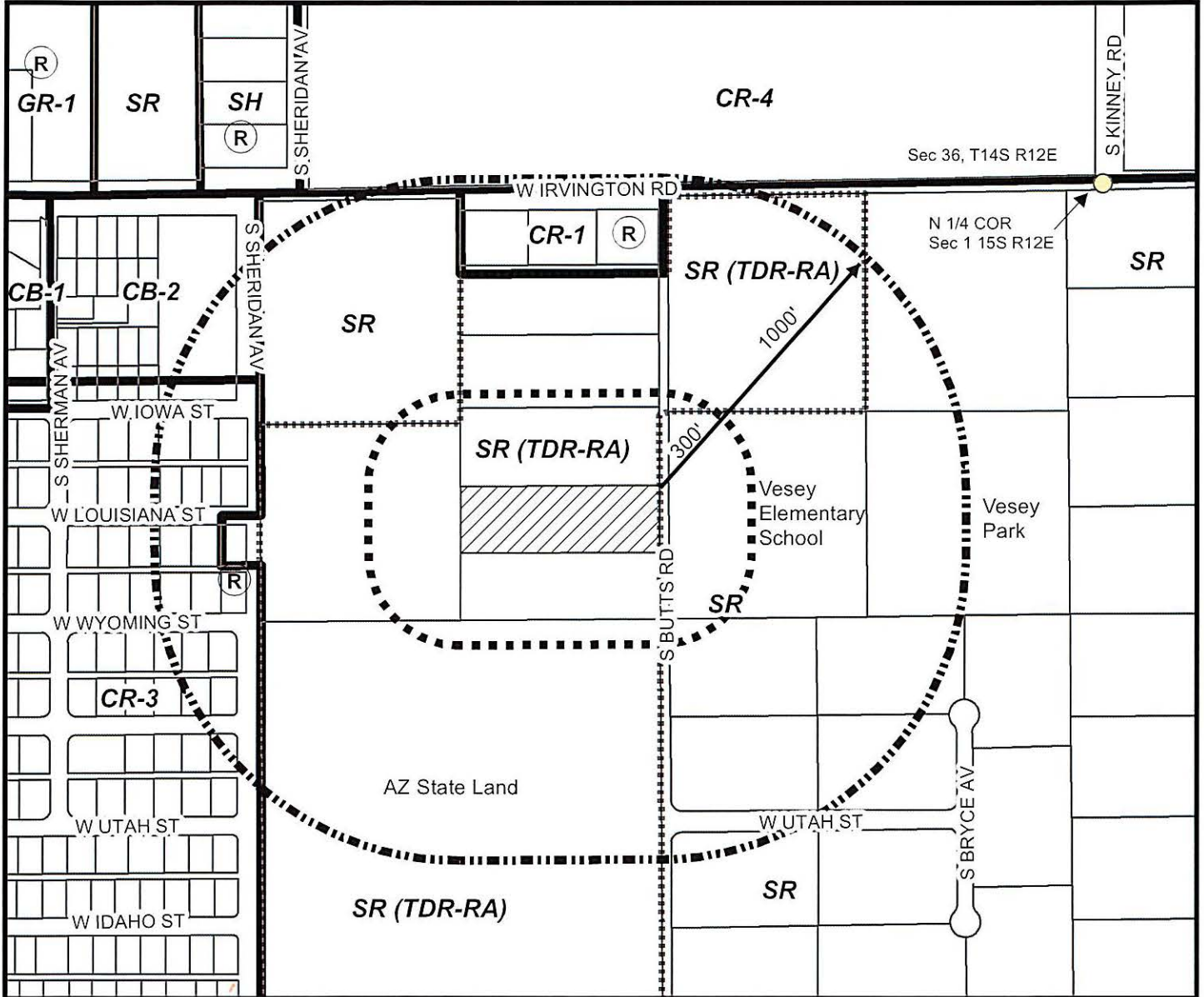
TD/DS  
Attachments

c: John & Denise Ybarra





Case #: P24RZ00007  
 Case Name: YBARRA - S. BUTTS ROAD REZONING  
 Tax Code(s): 210-01-018E

-  Subject Property
-  300' Notification Area
-  1000' Notification Area
-  Zoning Boundary
-  Transfer of Development Rights



Area of proposed rezoning from SR to CR-1 

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION**

|   |  |                                   |   |
|---|--|-----------------------------------|---|
|  | Notes:   |                                   |  |
|   | PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10       |                                   |   |
|   | Planning & Zoning Hearing: 9/25/24 (scheduled) | Board of Supervisors Hearing: TBA |   |
|   | Base Map(s): 37                                | Map Scale: 1:6,000                |   |



## Land Use Legend and Map

### **Low Intensity Urban (LIU)**

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

Objective: To designate areas for low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and be contiguous with other dedicated natural open space and public preserves.

### **Low Intensity Urban 3.0 (LIU-3.0)**

- Residential Gross Density: Minimum- none; Maximum- 3.0 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 1.5 RAC; Maximum- 3.0 RAC

## 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. (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.

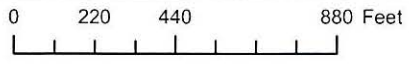
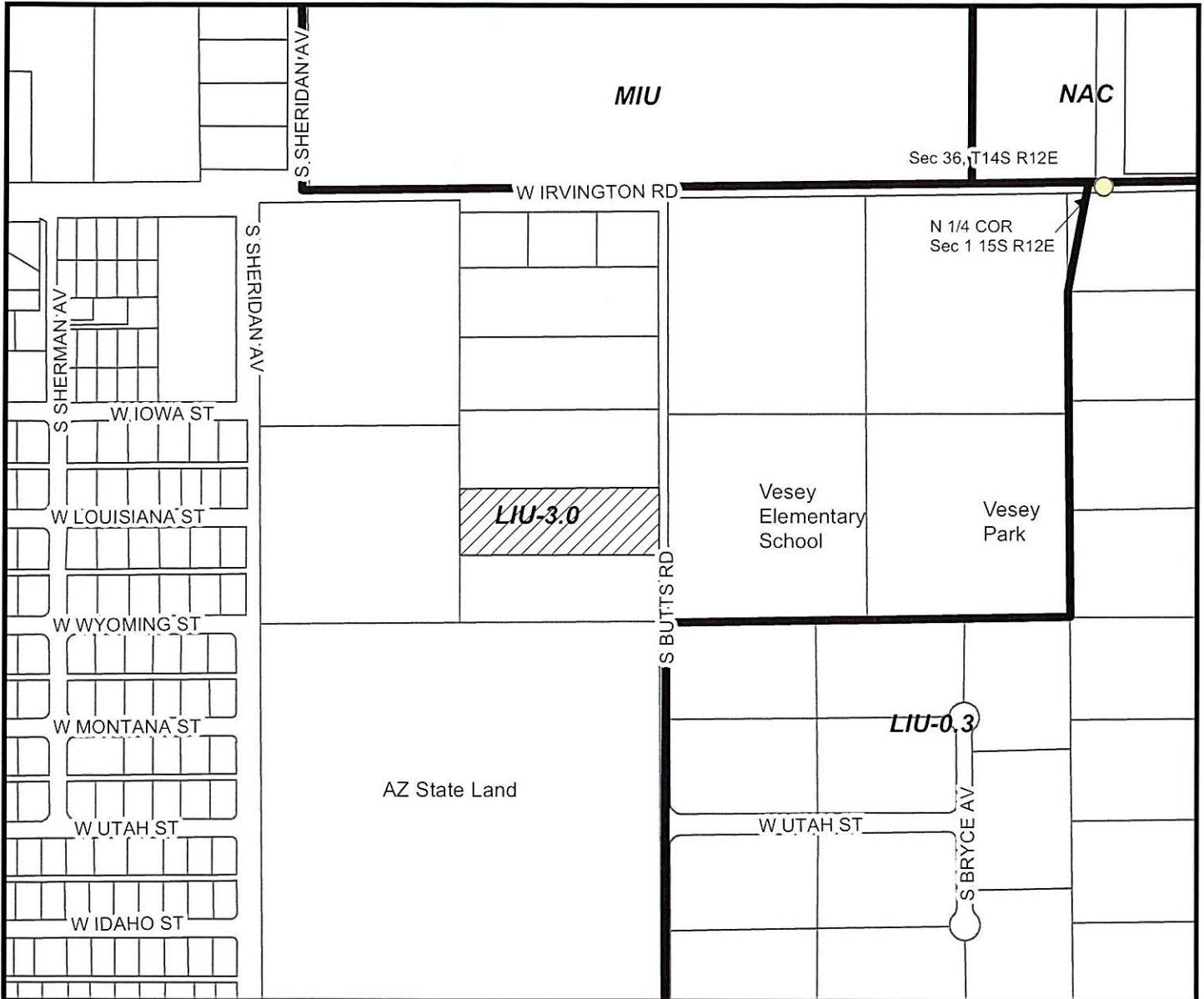
- #### E. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer.

Case #: P24RZ00007  
 Case Name: YBARRA - S. BUTTS ROAD REZONING



Tax Code(s): 210-01-018E

Comprehensive Plan Exhibit

 Subject Property



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION

|   |  |   |                         |
|---|--|---|-------------------------|
|  | Notes:                                   |  |                         |
|   | PIMA COUNTY COMPREHENSIVE PLAN C07-13-10 |   |                         |
|   | Map Scale: 1:6,000                       |   | Map Date: 8/5/2024 - ds |
|   |  |   |                         |



**PIMA COUNTY**  
**DEVELOPMENT SERVICES**

201 N. Stone Avenue, Tucson, AZ 85701  
(520) 724-9000  
www.pima.gov/developmentservices

**BIOLOGICAL IMPACT REPORT**

*(Not applicable for rezonings that require a site analysis)*

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

**INSTRUCTIONS FOR SAVING FORM:** 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

**Project ID (case no., APN no., address, or other identifying info):**

5050 S Butts, rezone from SR to CR-1

**Part I. Information Provided by Pima County Staff**

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections)  **None**  
 Important Riparian Area  
 Biological Core  
 Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area?  No
3. Is the project in the vicinity of any of the six Critical Landscape Linkages?  No
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property?  No
5. Is the project located within a Priority Conservation Area for any of the following species?
  - a. Cactus ferruginous pygmy-owl:  No
  - b. Western burrowing owl:  No
  - c. Pima pineapple cactus:  No
  - d. Needle-spined pineapple cactus:  No

**Part II. Information Provided by the Applicant**

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? **No**  
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

| Species                        | Ever found on project site? | If yes, date of last observation/survey? | Future surveys planned? |
|--------------------------------|-----------------------------|--|-------------------------|
| Cactus ferruginous pygmy owl   | No                          |  | No                      |
| Western burrowing owl          | No                          |  | No                      |
| Pima pineapple cactus          | No                          |  | No                      |
| Needle-spined pineapple cactus | No                          |  | No                      |

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.

# DSD - Application for Rezoning or Specific Plan

07/17/2024 3:18 PM (MST)

## Comprehensive Plan Amendment Application OR Concurrent Comprehensive Plan Amendment and Rezoning or Specific Plan Application

To electronically submit a rezoning application, complete the application and upload the required documentation. To submit an application in person to 201 N Stone Avenue, 1st-floor Planning, fill out the printable application and submit the application and attachments in electronic form.

If you have additional questions please visit our [Rezoning Application & Submittal Guidelines page](#).

|   |                                 |
|---|---------------------------------|
| <b>Full Name:</b>   | John Ybarra                     |
| <b>Mailing Address:</b>                                     | 5050 S. Butts Road              |
| <b>City:</b>  | Tucson (Pima)                   |
| <b>State:</b>   | AZ                              |
| <b>Zip Code:</b>  | 85757                           |
| <b>Email:</b>   | john@180tucson.com              |
| <b>Phone:</b>   | 5203312064                      |
| <b>Is the property owner the applicant?</b>                 | Yes, the owner is the applicant |
| <b>Property Address:</b>                                    | 5050 S. Butts Road              |
| <b>Tax Parcel Number:</b>                                   | 21001018E                       |
| <b>Acreage:</b>   | 3.24                            |
| <b>Present Zone:</b>  | SR                              |
| <b>Proposed Zone:</b>                                       | CR1                             |
| <b>Comprehensive Plan Sub-region / Category / Policies:</b> | AZ                              |

### Letter of Authorization

If the applicant is not shown as the owner of the subject parcel a letter of authorization with a signature matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, a signature of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, a signature from an officer with his/her title is required along with a disclosure of the officers of the entity.

### Site Analysis Document

Submit an electronic version of the site analysis document for a Site Analysis Rezoning or Specific Plan OR submit an electronic version of the required submittal documents as requested at the Pre-Rezoning Meeting for a Non-Site Analysis Rezoning.

## Upload ESRI Shapefile or AutoCad DWG File

An ESRI Shapefile or AutoCad DWG file referenced to the Pima County GIS coordinate system for any zoning and/or land use boundary contained within a portion of a parcel or parcels that creates its own unique boundary that is not legally described.

### Terms and conditions

- 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.)

### For Electronic Submittal:

A rezoning case will be opened and an email containing an invoice with the case number and instructions for making payment through the online payment portal will be sent to the applicant within 2 business days.

**Attendance to a *Pre-Rezoning meeting* is a pre-requisite to rezoning application submittal. The Pre-Rezoning meeting is scheduled at 201 N. Stone Avenue, 2nd floor on the 3rd Wednesday of the month beginning at 9:00 am.**



## Request Letter for a Non-Site Analysis Rezoning

1. Proposed possible future use - East Parcel – Possible future in-law single family home.
2. Possible plans for only 1 SFR on east acre. Middle acre has current home on it. West acre – No thoughts at this time. The east acre would be a detached site built home in the 1500-1750 sqft. Range. Possible heights of structure 11-12 feet.
3. The existing use of the front acre of our property is as a front yard only. Existing use May be altered to a single family residence in the future.
4. Water supplied to the properties will come from city of Tucson water located at The front East boundary of the property located on Butts Rd.
5. Property is at the edge of a manhole on neighbor's side. Front east parcel can possibly Be connected to the sewer. But cost factors may also allow for septic. Rear parcel is 400 plus feet from street, and not possible to connect to sewer. Most likely septic if ever built upon.
6. The quality of vegetation on the property is typical, paloverde, creosote, desert bushes, And desert weeds. Saguars planted along drive will not be affected by acre site. If built Upon, barrel cactus and a few mesquites may be added.

Thank you

John & Denise Ybarra  
5050 S. Butts Rd.  
Tucson, AZ 85757  
520-331-2064