



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 20, 2018

Title: Co9-04-30 WHITE - ORACLE JAYNES STATION ROAD REZONING (Closure/Time Extension)

Introduction/Background:

A. Proposal to close rezoning case Co9-04-30 as required to be considered per code. B. If not closed, applicant requests two consecutive five-year time extensions for the rezoning from SR to CR-3 (Cluster Option) on 6.15 acres. The rezoning was approved on 11/14/06 and expired on 8/1/11.

Discussion:

Closure must be considered prior to consideration of a time extension because it has been more than 10 years since the date of rezoning approval. The applicant indicates that the recession has delayed completion of platting. A tentative plat was previously approved and has recently been resubmitted. This cluster subdivision option rezoning on Oracle Jaynes Station Road west of La Cholla Boulevard allows 16 dwelling units and remains an appropriate use and development approach for this site which is bisected by a wash. It is an infill site in a growing area outside of the Conservation Lands System. Past Transportation concurrency concerns have been significantly improved with major street capacity improvements; and revised Concurrency policy recognizes the minor potential traffic increase. The comprehensive plan now calls for a minimum five residences per acre which will not be achieved due to the wash and the housing type. A residential subdivision to the east is currently being developed from a 2016 rezoning.

Conclusion:

A time extension is warranted due to the historical economic recession and to the appropriateness of the proposed cluster residential use. Concurrency of infrastructure exists with Minor Transportation concern that has significantly been improved. The comprehensive plan calls for greater density. Reversion to SR zoning with low residential density would not conform to the medium density plan for the site. The site is not within the CLS. The recommended modified conditions update to current standards and address comprehensive plan policies for water conservation.

Recommendation:

Staff recommends against closure and approval of a five-year rezoning time extension subject to modified conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

1 2 3 4 5 All

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

Contact: David Petersen Telephone: 724-9000

Department Director Signature/Date: 7/20/18

Deputy County Administrator Signature/Date: 7/31/18

County Administrator Signature/Date: C. Dunaway 7/31/18

2018072018PCOKUD



TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: July 30, 2018

SUBJECT: Co9-04-30 WHITE – ORACLE JAYNES STATION ROAD REZONING

The above referenced **Rezoning Closure / Time Extension** is within your district and is scheduled for the Board of Supervisors' **MONDAY, AUGUST 20, 2018** hearing.

****This case will require 2 motions. 1 for the Closure and 1 for the Time Extension.****

REQUEST:

- A. Proposal to **close** a 6.15-acre rezoning from SR (Suburban Ranch) to CR-3 (Single Residence) (Cluster Option).
- B. Two consecutive five-year **time extensions** of a rezoning from SR (Suburban Ranch) to CR-3 (Single Residence) (Cluster Option).

OWNERS: Daniel White
P.O. Box 36985
Tucson, AZ 85740

AGENT: PRE
Attn: Christopher Langham, P.E.
4655 N. Flowing Wells Road
Tucson, AZ 85705

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of July 30, 2018, staff has received no public comments.

STAFF RECOMMENDATION: **A) AGAINST CLOSURE. B) APPROVAL OF TWO CONSECUTIVE FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED 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: Co9-04-30

Page 1 of 10

FOR MONDAY, AUGUST 20, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: July 30, 2018

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE /TIME EXTENSION

A. Rezoning Closure

Co9-04-30 WHITE – ORACLE JAYNES STATION ROAD REZONING

Proposal to **close** Co9-04-30, a 6.15-acre rezoning from SR (Suburban Ranch) to CR-3 (Single Residence) (Cluster Option) located on the northeast corner of Oracle Jaynes Station Road and San Joaquin Avenue. The rezoning was conditionally approved in 2006 and expired on August 1, 2011. Staff recommends **AGAINST CLOSURE**.

(District 1)

B. Rezoning Time Extension

Co9-04-30 WHITE – ORACLE JAYNES STATION ROAD REZONING

Request of Daniel White, represented by PRE CEG Engineering, for two consecutive five-year **time extensions**, one of which is retroactive to the August 1, 2011 expiration date, for the above-referenced rezoning from SR (Suburban Ranch) to CR-3 (Single Residence) (Cluster Option). The subject site was rezoned in 2006. The site is approximately 6.15 acres located on the northeast corner of Oracle Jaynes Station Road and San Joaquin Avenue. Staff recommends **APPROVAL OF TWO CONSECUTIVE FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.

(District 1)

STAFF RECOMMENDATION

Staff recommends **AGAINST CLOSURE** of the rezoning and **APPROVAL** of two consecutive five-year time extensions (a total of ten years) to November 14, 2021 as per the applicant's request for the original 6.15-acre rezoning from SR (Suburban Ranch) to CR-3 (Single Residence) (Cluster Option), subject to original and modified standard and special conditions as follows:

1. ~~Submittal of a development plan if determined necessary by the appropriate County agencies.~~
2. ~~Recording of a covenant holding Pima County harmless in the event of flooding.~~
3. ~~Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
4. ~~Provision of development related assurances as required by the appropriate agencies.~~
5. ~~Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.~~
61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
72. Transportation conditions:
 - A. The property owner(s)/developer(s) shall dedicate 15 feet right-of-way for Oracle Jaynes Station Road.
 - B. The property owner(s)/developer(s) shall provide off-site improvements along Oracle Jaynes Station Road frontage and San Joaquin Road frontage, which may include a minimum of curb, sidewalk and pavement widening, as determined necessary by the Department of Transportation, during review of subdivision plat.
83. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A drainage study shall be submitted for review and approval, which addresses the impacts of development to the federally mapped floodplain and local area drainage.
 - C. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
 - D. The property owner(s)/developers shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.

- F. The property owner(s)/developers(s) shall contact the Flood Control District to determine whether a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) may be applied for due to the impact of the federally mapped floodplain (FEMA) on the proposed development.
- G. All-weather access shall be provided to all lots to meet concurrency requirements.
- H. A riparian mitigation plan shall be required for development in designated riparian areas.
- I. A Maintenance Agreement shall be necessary that identifies the responsibilities and funding of both private and public drainage improvements.
- J. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

94. Wastewater Management Reclamation conditions:

- A. ~~The owner(s)/developer(s) shall construe no 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) / developer(s) to that effect.~~
- B. ~~The owner(s)/developer(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. The owner(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s)/developer(s) shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.~~
- C. ~~The owner(s)/developer(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 Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~
- D. ~~The owner(s)/developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area.~~

- E. The owner(s)/developer(s) shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- F. The owner(s)/developer(s) shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- G. The owner(s)/developer(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 shall be permanently committed for any new development within the rezoning area.

- 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 enter into a written agreement addressing the funding, design and construction of off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, 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.
- G. 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.

405. Cultural Resources conditions:

- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
- B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
- C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

416. Fire District conditions:

- A. Fire hydrants shall meet fire flow of 1,000 gallons per minute from a hydrant system with spacing of the hydrants every 500 feet.
- B. Any dwellings over 3,600 square feet under roof shall be reviewed for additional fire protection measures.
- C. The hammerhead shall contain signage and red curbing of "NO PARKING FIRE LANE."

427 The project shall be reviewed by the Design Review Committee as a cluster project in accordance with the Cluster Development Option of the Zoning Code (Section 18.09.040).

438. In the event the subject property is annexed into the City of Tucson, 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.

449. Adherence to the revised preliminary development plan as approved at public hearing (Exhibit "B"), which includes 60 per cent open space, a maximum of sixteen (16) single story units, and the western side of the site is restricted to detached units.

10. 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.
11. The property owner(s) 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."

Formerly standard condition #'s 1-5 are recommended for deletion based on a recent staff decision to reduce redundant requirements and ease processes. Pertaining to condition #1, a development plan would be required if a development proposal requires one per code. A residential subdivision plat will be recorded for this rezoning site. Pertaining to condition #'s 2, 3, and 5, staff no longer recommends conditions which require recorded covenants. In addition, pertaining to condition #2, recorded subdivision plats typically include a standard hold harmless clause pertaining to flooding. Pertaining to condition #4, assurances are typically standard with approved subdivision plats.

Renumbered condition #1 pertaining to Board of Supervisors approval of further lot splitting or subdividing is recommended for modification to limit to the condition to residential development as per current standard.

New condition #3J pertaining to water conservation measures that will mitigate water demand from the development is recommended as an update based on new water policy for site analysis rezonings adopted as part of the Pima Prospers Comprehensive Plan Update.

Deletion of existing conditions and addition of new conditions under renumbered condition #4 are recommended to update Wastewater Reclamation Department conditions to current standards for the required use of sewerage. The deleted conditions are similar to several of the new conditions.

New condition #10 pertaining to the on-going requirement to remove invasive buffelgrass from the site is now a standard recommendation for proposed subdivision sites outside of the MMB Conservation Lands System.

New condition #11 pertaining to waiver of Proposition 207 rights and claims is recommended as a current standard condition.

STAFF REPORT

Closure:

Because of the continued appropriateness of the proposed cluster residential subdivision use at the site's location, staff does not recommend closure of the rezoning. However, closure must be considered prior to consideration of a time extension because the owners did not request a time

extension prior to the case expiration date of August 1, 2011, and it has been more than 10 years since the date of rezoning approval, November 14, 2006. Staff sent the owner a time expiration warning letter dated April 29, 2011. The current time extension request was received on June 22, 2018.

By code, consideration of closure occurs after 10 years has elapsed from the date of rezoning approval and/or if a time extension request has not been received on or before the date of expiration. Both of these factors apply. Also, the initial time limit for approved rezonings is limited by code to five years; and five years is the maximum interval of staff recommended time extensions.

Time Extension:

Because of the elapsed time, the applicant requests two (consecutive) five-year time extensions. The request letter indicates the project was delayed due to the "soft market for homes in the time-frame of the approval", but notes renewed interest with the improved local economy. The applicant also notes that a tentative plat was approved in 2012; and a slightly modified tentative plat is currently under staff review. The applicant indicates that the project's goal is to provide quality, low-maintenance affordable housing units in a growing area near Northwest Medical Center. Staff acknowledges the historic recession and its link and impact to housing development.

Approval of the requested five-year time extensions will provide a total of 15 years to complete rezoning conditions from the initial approval date by extending the expiration date to November 14, 2021. (Note that the original August 1, 2011 expiration date shown on the rezoning ordinance should have actually been November 14, 2006 based on the latter date being five years from the date of rezoning approval, November 14, 2006. The case was continued to the November date from its original hearing date of August 1, 2006.)

Staff supports the rezoning time extensions based on the appropriate use of the residential cluster for this infill site, general adherence to the comprehensive plan, concurrence of infrastructure, and progress with the approved tentative plat re-submittal. The 6.15-acre rezoning from SR (Suburban Ranch) to CR-3 (Single Residence) (Cluster Option) was approved for single and multi-family residential development separated by cluster open space associated with the Nanini Wash. The site is located west of La Cholla Boulevard on the north side of Oracle Jaynes Station Road in an area of past and recent residential, assisted living, and medical center development.

The approved rezoning preliminary development plan provides greater land use efficiency while ensuring open space with seven attached-unit lots on the east side and nine detached unit lots on the west side separated by cluster open space, much of which will remain natural. Per re-numbered condition #9, a maximum of 16 single-story units are allowed, the west side is restricted to detached units, and a minimum of 60 percent open space is required. The open space will incur some disturbance for drainage control, including fill and bank stabilization for the west side development and two retention basins. (The tentative plat under review deviates somewhat from the preliminary development plan as discussed below.)

Reversion to SR zoning with closure of the rezoning would allow only one residence and other permitted non-residential uses. Open space associated with the wash could be assumed.

There is use conformance (attached and detached residences) with the comprehensive plan, but the gross residential density is not achieved. Since the rezoning approval, the site was down-planned under the Comprehensive Plan Update from Medium/High Intensity Urban (MHIU) to Medium Intensity Urban (MIU). MHIU allowed a maximum of 24 residences per acre (RAC) with no

minimum required RAC. MIU requires a minimum of five RAC and allows a maximum of 13 RAC. The proposed gross residential density is only 2.60 RAC; however subtracting for the open space associated with the floodplain encumbrance, the net residential density is 7.13 RAC.

The Board could require higher density be achieved with the setting of a minimum number of units and possibly a requirement for attached unit development, including on the west side, but this would require a substantial change modification of condition #9 and a revision to the tentative plat. The tentative plat under review (P18TP00014) features only 14 detached unit lots on 6.06 acres correlating to a gross density of 2.31 RAC. The multiple detention basins "B" are outside of the larger open space area "C".

The proposed use and density is supported by adequate infrastructure per agencies that have reported. (Amphitheater School District and Metro Water District did not respond.) Staff's original recommendation of denial of the rezoning in the May 2006 staff report was based on Transportation concurrency criteria not being met. La Cholla Boulevard, south of River Road to Ruthrauff was operating over capacity with no scheduled funding for improvements, and Orange Grove Road, east and west of La Cholla Boulevard was of the same nature. The segment of La Cholla Boulevard has since received major capacity improvement, and Orange Grove Road west of La Cholla has too. Orange Grove Road east of the La Cholla intersection has received capacity improvements at and beyond major intersections of La Cholla Boulevard and La Canada Drive, but Orange Grove narrows to three lanes, including a middle turn lane, for part of the distance between these intersections. Additionally, the Transportation Concurrency policy was refined in 2007 to include consideration of development infill, of development outside of the Conservation Lands System, and of development generating less than 250 average daily trips (ADT). This site has these qualifying elements such that the concurrency concern would have been deemed Secondary or Minor in nature had the policy been in place at the time. This would have allowed for staff discretion as to the recommendation.

Physical conditions on the site appear to be the same as when the rezoning was approved. The site contains partially disturbed natural vegetation and is not located within the Maeveen Marie Behan Conservation Lands System. A rezoning (P16RZ00001) was approved in 2015 for CR-5 (Multiple Residence – Small Lot Option) on 7.3 acres adjacent to the east of the site which is under development. That rezoning also included 3.0 acres of TR (Transitional) adjacent to La Cholla Boulevard for a medical care facility. That area has been graded for development. Otherwise, adjacent rural and residential zoning and uses remain the same.

Denial of the time extension will cause the site to revert to SR zoning which would not conform to the MIU plan designation due to its very low density in a transitioning suburban setting. Closure of the rezoning would not preclude the possibility of a future CR-3 rezoning. The recommended modified conditions do not constitute a substantial change which would require review by the Planning and Zoning Commission.

SURROUNDING LAND USES/GENERAL CHARACTER

North: SR (Suburban Ranch)	Undeveloped / Residence
South: SH (Suburban Homestead) & CR-3	Manufactured Homes / Residential Subdivision
East: CR-5 & TR	Residential Subdivision & Assisted Care Facilities
West: CR-2 (Single Residence) & CR-3	Residential Subdivisions

CONCURRENCY CONSIDERATIONS		
Department/Agency	Concurrency Considerations Met: Yes / No / NA	Other Comments
TRANSPORTATION	Yes	Subject to condition for 15' ROW dedication and off-site improvements to Oracle Jaynes Station Road as determined necessary.
FLOOD CONTROL	Yes	Subject to conditions for on- and off-site drainage improvements as required.
WASTEWATER	Yes	Subject to conditions for construction of on- and off-site sewers necessary.
PARKS AND RECREATION	Yes	
WATER	No response	On- or off-site requirements for domestic and fire flow water supply to be determined per original Metro Water comments.
SCHOOLS	No response	
AIR QUALITY	Yes	

TRANSPORTATION REPORT

The Pima County Department of Transportation has no objection to the time extension request for the White – Oracle Jaynes Station Road Rezoning. The rezoning is estimated to generate 160 ADT (average daily trips) based upon the proposed residential land use. The traffic volumes on Oracle Jaynes have decreased approximately 10% from 2011 to 2014. Therefore, the impact on the adjacent roadway network is minimal. The Department of Transportation is not requesting any changes to the rezoning conditions at this time.

FLOOD CONTROL REPORT

The Regional Flood Control District has reviewed the request and has the no objection to the rezoning time extensions, subject to the following additional condition (#3J above):

At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced request and offers the following comments for your use. This rezoning expired in 2011. The subject property is proposed for 16 single detached and multi-family dwelling units.

The subject property is within the PCRWRD service area and is tributary to the Tres Rios Water Reclamation Facility via the North Rillito Interceptor. There is currently no capacity issue in the downstream conveyance system that could affect this development.

The PCRWRD has no objection to the request for two consecutive 5-year time extensions of the rezoning, but requests the existing wastewater conditions in rezoning Ordinance 2007-111 adopted on December 18, 2007 by the Board of Supervisors be replaced with updated conditions (under renumbered condition #4 above).

NATURAL RESOURCES, PARKS AND RECREATION REPORT

The Development Services Department, on behalf of the Natural Resources, Parks and Recreation Department, has no objection to this request.

CULTURAL RESOURCES REPORT

The Office of Sustainability & Conservation has no objection to the requested rezoning time extensions. Existing rezoning conditions pertaining to cultural resources are not recommended for change.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

Staff has not received a response to a request for comments.

WATER DISTRICT REPORT

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

SCHOOL DISTRICT REPORT

Amphitheater Unified School District has not responded to a request for comments.

FIRE DISTRICT REPORT

Northwest Fire/Rescue District has not responded to a request for comments.

PUBLIC COMMENT

Notice has been mailed to property owners within 1,000 feet of the rezoning site. To date, no written public comments have been received.

TD/DP/ar
Attachments

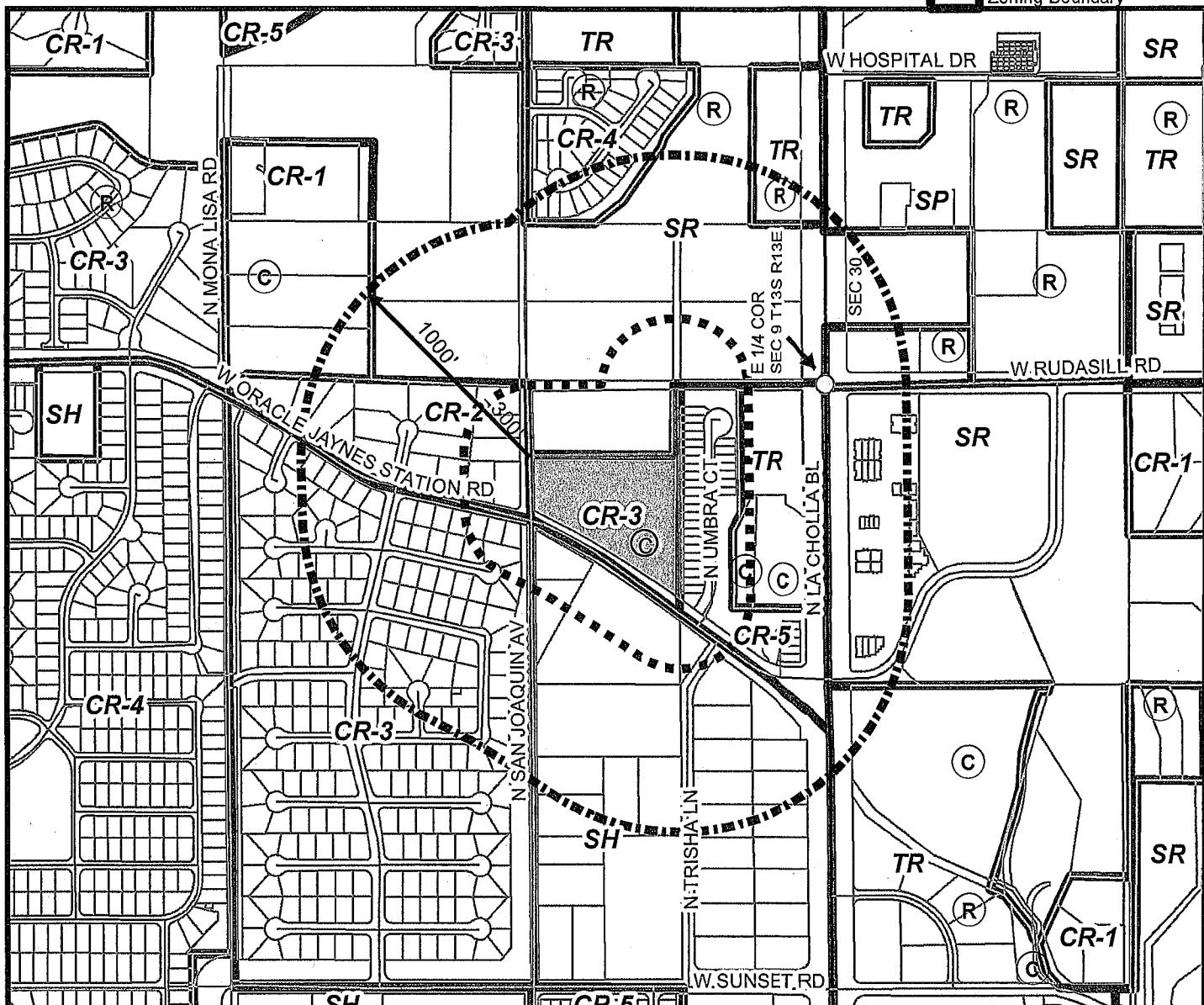
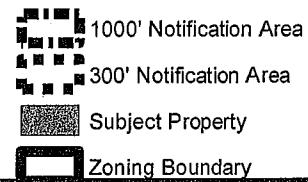
cc: Daniel White, P.O. Box 36985, Tucson, AZ 85740
PRE, Attn: Christopher Langham, P.E., 4655 N. Flowing Wells Road
Tucson, AZ 85705
Tom Drzazgowski, Chief Zoning Inspector
Co9-04-30 File



Case #: CO9-04-030

Case Name: WHITE - N. ORACLE JAYNES STATION ROAD REZONING

Tax Code(s): 101-12-004A



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes: REZONING TIME EXTENSION

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

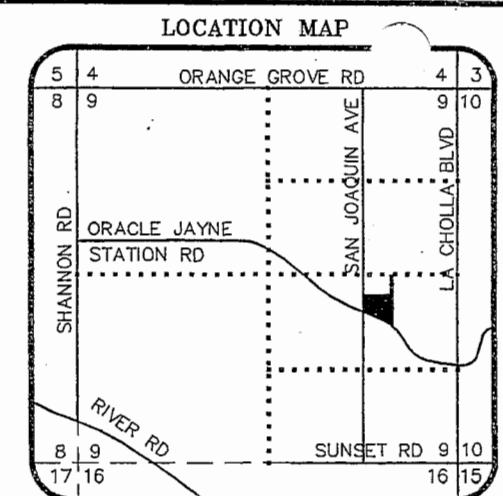
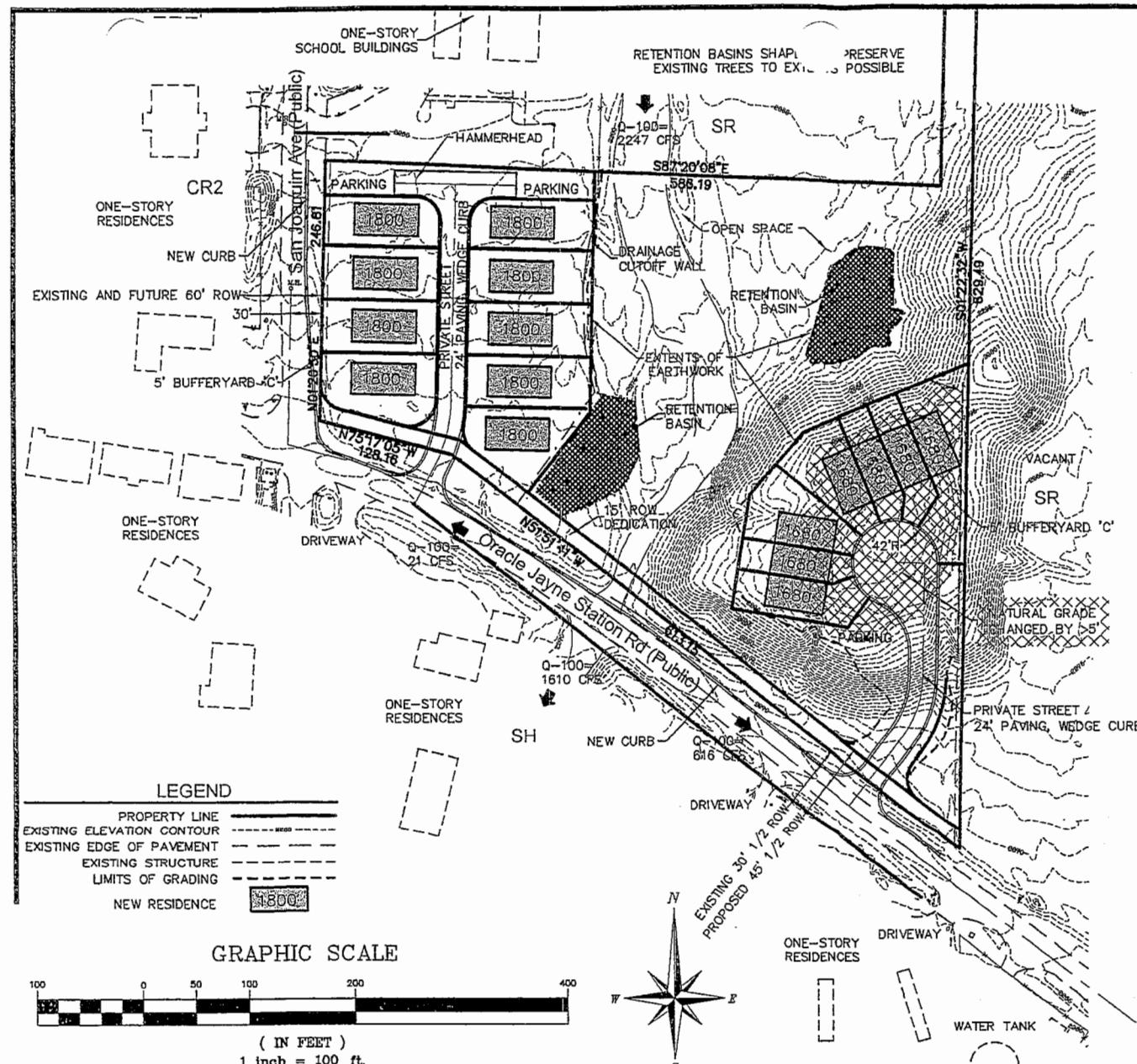
Board of Supervisors Hearing: 8/20/18

Base Map(s): 45

Map Scale: 1:8,000

Map Date: 7/18/2018 - ds





SCALE: 3"=1 MILE
A PORTION OF SECTION 9, T13S, R13E
G&SRM. PIMA COUNTY, ARIZONA

GROSS PROPERTY AREA:
263,971.15 SF = 6.06 ACRES

NET PROPERTY AREA (LESS NEW ROW):
252,786.25 SF = 5.80 ACRES

PROPOSED ZONING: CR2

16 HOUSES (DENSITY 2.8/ACRE-
15,799 SF/LOT AVG)

WEST CLUSTER AREA:
65,973.91 SF = 1.51 ACRES
9 LOTS (DENSITY 6.0/ACRE)
HOUSES 1,800 SF TYPICAL

EAST CLUSTER AREA:
31,738.70 SF = 0.73 ACRE
7 LOTS (DENSITY 9.6/ACRE)
HOUSES 1,680 SF TYPICAL

OPEN SPACE AREA:
155,073.64 SF = 3.56 ACRES

24'-WIDE PRIVATE STREETS

SHEET 2		OF 2	Oracle Jaynes Station Preliminary Development Plan
DWG NO. FILED: C2			
DESIGNED BY: DRAWN BY SDC DATE 10/17/2006 JOB NO. 03325 SCALE: 1"=100'		 PRE PHYSICAL RESOURCE ENGINEERING, INC.	
		P.O. BOX 36925 1000 21ST AVENUE HEWLS BAGGON, AZ 85708	
		PHONE (520)690-1629 FAX (520)690-1769	

revised pdf approach by. Rev 11-14-06. May

Co9-04-30



4655 N Flowing Wells Road
Tucson, AZ 85705
(520) 690-1669



12409 W Indian School Rd, C303
Avondale, AZ 85392
(623) 536-1993

June 22, 2018

David Petersen
Pima County Development Services Department
201 N. Stone Ave., 2nd Fl
Tucson, Arizona 85701

**RE: Loma Antigua Residential Subdivision
2250 W. Oracle Jaynes Station Road
Request for Rezoning Extension
Record Number: P18TP00014
PRE Job: 18-013**

Mr. Petersen

This letter is submitted to you as a request to allow for the issuance of an extension in reference to "Co9-04-30 White – Oracle Jaynes Station Road Rezoning". The last correspondence from County was notice that the rezoning was set to expire no Nov. 14, 2011, in a letter dated April 29, 2011.

The project site has been previously reviewed and received an approval (2012) of the Tentative Plat, as a proposed residential subdivision to be known as Loma Antigua at the northeastern intersection of W. Oracle Jaynes Station Road and N. San Joaquin Avenue. Due to soft market for homes in the time-frame of the approval the project did not move forward. Recently, with the much-improved economic climate within southern Arizona, the project has received renewed interest, and with relatively minor modifications, a Tentative Plat is currently with Development Services for review. We would like to make clear that we believe this is an important project with the goal of providing affordable housing within the immediate area of the Northwest Medical Center and this developing area of town. These are to be high-quality, low-maintenance units that will add value to the surrounding neighborhood.

With that, we are requesting that this project be extended and not closed. Furthermore, we are kindly requesting that the extension be of two – five-year extensions bringing the project fully up-to-date. We understand that you will likely need more information and we will certainly provide it as quickly as possible. Please feel free to give me a call to request and/or discuss any concerns.

Respectfully,

A handwritten signature in black ink, appearing to read 'Christopher Langham, P.E., CFM'.

Christopher Langham, P.E., CFM
Project Engineer

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: MRB
DEPUTY RECORDER
1562 PE1

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



DOCKET: 13207
PAGE 1575
NO. PAGES: 7
SEQUENCE: 20072460315
12/21/2007
ORDIN 15:01
PICKUP
AMOUNT PAID \$ 0.00

ORDINANCE 2007- 111

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 101-12-004A) FOR APPROXIMATELY 6.15 ACRES FROM SR (SUBURBAN RANCH) TO CR-3 (SINGLE RESIDENCE) (CLUSTER OPTION); IN CASE Co9-04-30 WHITE - ORACLE JAYNES STATION ROAD REZONING; LOCATED ON THE NORTHEAST CORNER OF ORACLE JAYNES STATION ROAD AND SAN JOAQUIN AVENUE; AMENDING PIMA COUNTY ZONING MAP NO. 45.

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

Section 1. The approximate 6.15 acres, located on the northeast corner of Oracle Jaynes Station Road and San Joaquin Avenue, illustrated by the shaded area on the attached rezoning ordinance map (Exhibit "A"), which amends Pima County Zoning Map No. 45 is hereby rezoned from SR (Suburban Ranch) to CR-3 (Single Residence) (Cluster Option).

Section 2. Rezoning Conditions.

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.

6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner(s)/developer(s) shall dedicate 15 feet right-of-way for Oracle Jaynes Station Road.
 - B. The property owner(s)/developer(s) shall provide off-site improvements along Oracle Jaynes Station Road frontage and San Joaquin Road frontage, which may include a minimum of curb, sidewalk and pavement widening, as determined necessary by the Department of Transportation, during review of subdivision plat.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A drainage study shall be submitted for review and approval, which addresses the impacts of development to the federally mapped floodplain and local area drainage.
 - C. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
 - D. The property owner(s)/developers shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - F. The property owner(s)/developers(s) shall contact the Flood Control District to determine whether a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) may be applied for due to the impact of the federally mapped floodplain (FEMA) on the proposed development.
 - G. All-weather access shall be provided to all lots to meet concurrency requirements.
 - H. A riparian mitigation plan shall be required for development in designated riparian areas.
 - I. A Maintenance Agreement shall be necessary that identifies the responsibilities and funding of both private and public drainage improvements.

9. Wastewater Management condition:

- A. The owner(s)/developer(s) shall construe no 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)/developer(s) to that effect.
- B. The owner(s)/developer(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. The owner(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s)/developer(s) shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.
- C. The owner(s)/developer(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 Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- D. The owner(s)/developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area.
- E. The owner(s)/developer(s) shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- F. The owner(s)/developer(s) shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- G. The owner(s)/developer(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 shall be permanently committed for any new development within the rezoning area.

10. Cultural Resources conditions:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
11. Fire District conditions:
 - A. Fire hydrants shall meet fire flow of 1,000 gallons per minute from a hydrant system with spacing of the hydrants every 500 feet.
 - B. Any dwellings over 3,600 square feet under roof shall be reviewed for additional fire protection measures.
 - C. The hammerhead shall contain signage and red curbing of "NO PARKING FIRE LANE."
12. The project shall be reviewed by the Design Review Committee as a cluster project in accordance with the Cluster Development Option of the Zoning Code (Section 18.09.040).
13. In the event the subject property is annexed into the City of Tucson, 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.
14. Adherence to the revised preliminary development plan as approved at public hearing (Exhibit "B"), which includes 60 per cent open space, a maximum of sixteen (16) single story units, and the western side of the site is restricted to detached units.

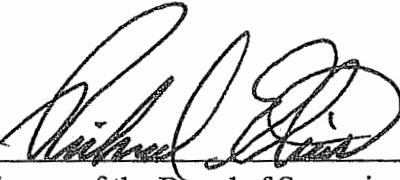
Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 14 shall be completed by August 1, 2011.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.

3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 14 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 4. The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, this 18th day of December, 2007.



Richard D. Ross

Chairman of the Board of Supervisors

ATTEST:

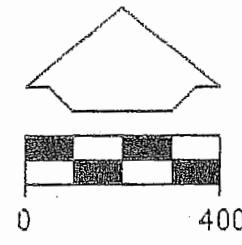
Robert Brugode, Deputy
Clerk, Board of Supervisors

Robert Brugode 12/3/07
Deputy County Attorney

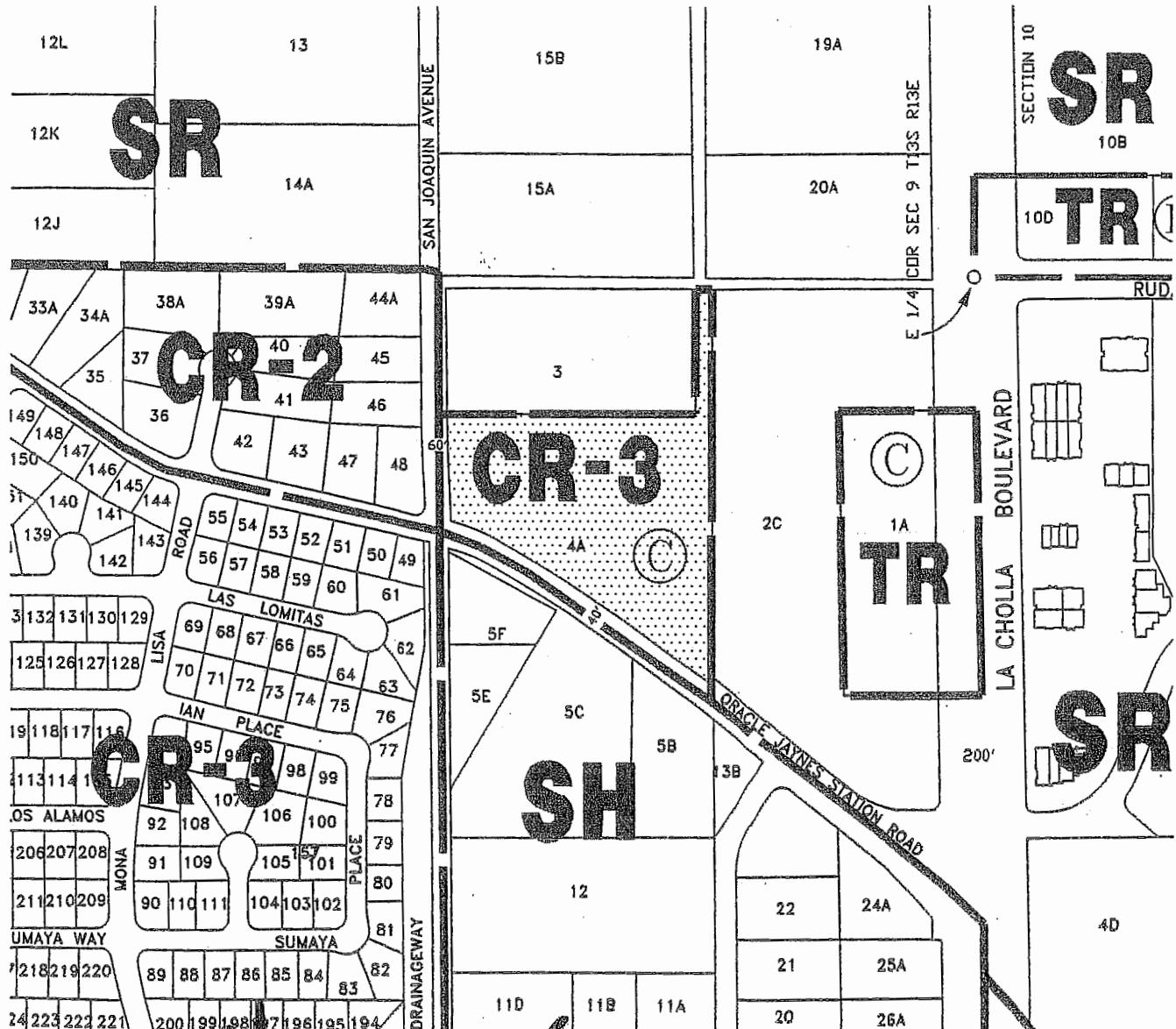
John H. Hause
for Executive Secretary,
Planning and Zoning Commission

EXHIBIT "A"

AMENDMENT NO. 94 BY ORDINANCE NO. 2007-111
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON, ARIZONA
PARCEL 4A BEING A PART OF THE NE 1/4 OF THE SE 1/4
OF SEC 9, T13S R13E.



ADOPTED DECEMBER 18, 2007 EFFECTIVE DECEMBER 18, 2007

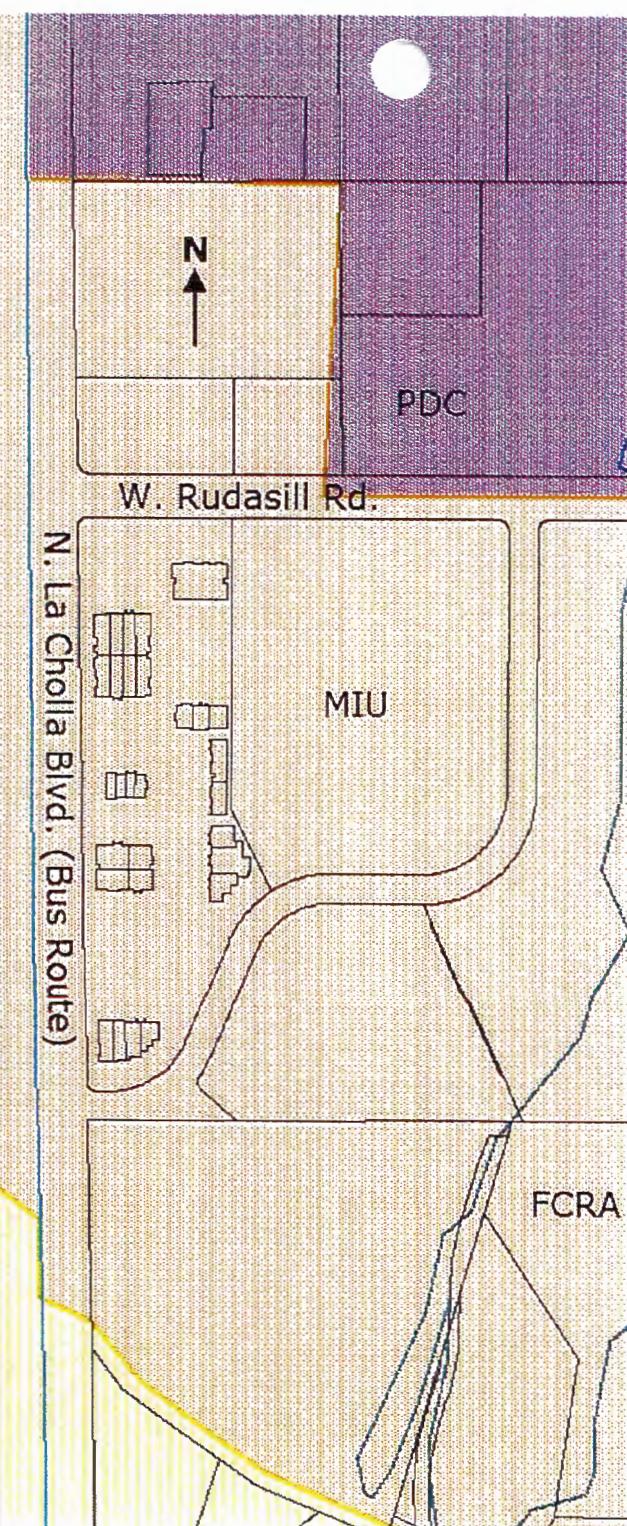
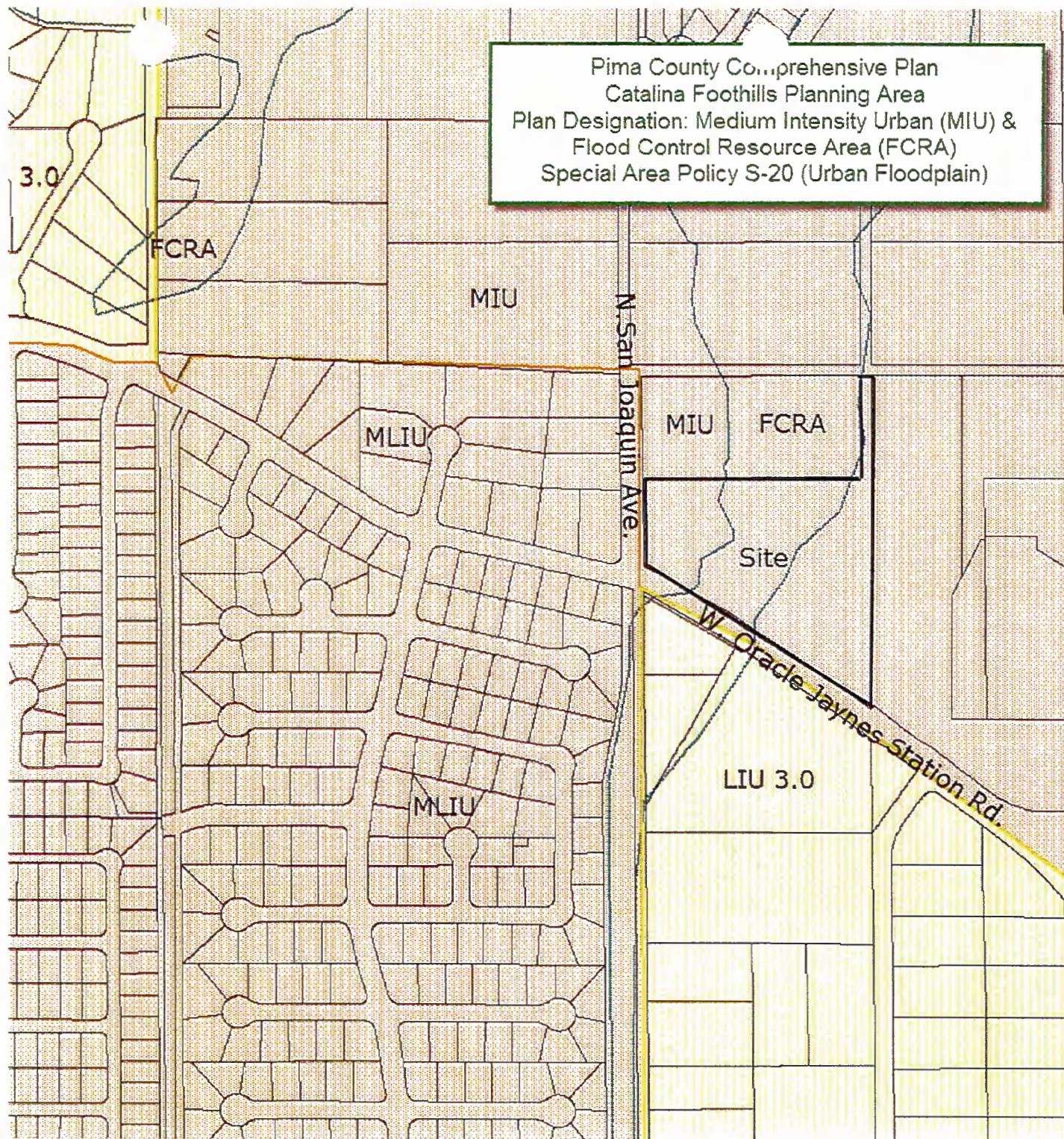


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 6.15 ac±
PJ-OCTOBER 29, 2007

009-04-30
007-00-20
101-12-004A

Pima County Comprehensive Plan
Catalina Foothills Planning Area
Plan Designation: Medium Intensity Urban (MIU) &
Flood Control Resource Area (FCRA)
Special Area Policy S-20 (Urban Floodplain)



Excerpt from Pima Prospers 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.

.....

Medium Intensity Urban (MIU)

- a. Objective: To designate areas for a mix of medium-density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower-density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.
- b. Residential Gross Density: Residential gross density shall conform to the following:
 - 1) Minimum – 5 RAC
 - 2) Maximum – 13 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 – 5 RAC
 - 2) Maximum – 10 RAC.

.....

Flood Control Resource Area (FCRA) Information



Physical Infrastructure
Connectivity

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.



N. La Cholla Blvd.



Rezoning Policies

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-20 Urban Floodplain Mitigation (Multiple Maps)

General location

FEMA 100-year floodplain at Rillito River/La Cholla Blvd., Cañada Del Oro Wash/La Cholla Blvd., Santa Cruz River/Old Nogales Hwy., Silverbell Road and Ina Road, and east of Thornydale Road and south of the North Ranch Subdivision.

Description

These areas are currently mapped as FEMA floodplains. However, it is likely that as these areas are developed into urban uses, precise floodplain boundaries will be determined through the rezoning process based on the submittal of more accurate information or the approval of flood control projects.

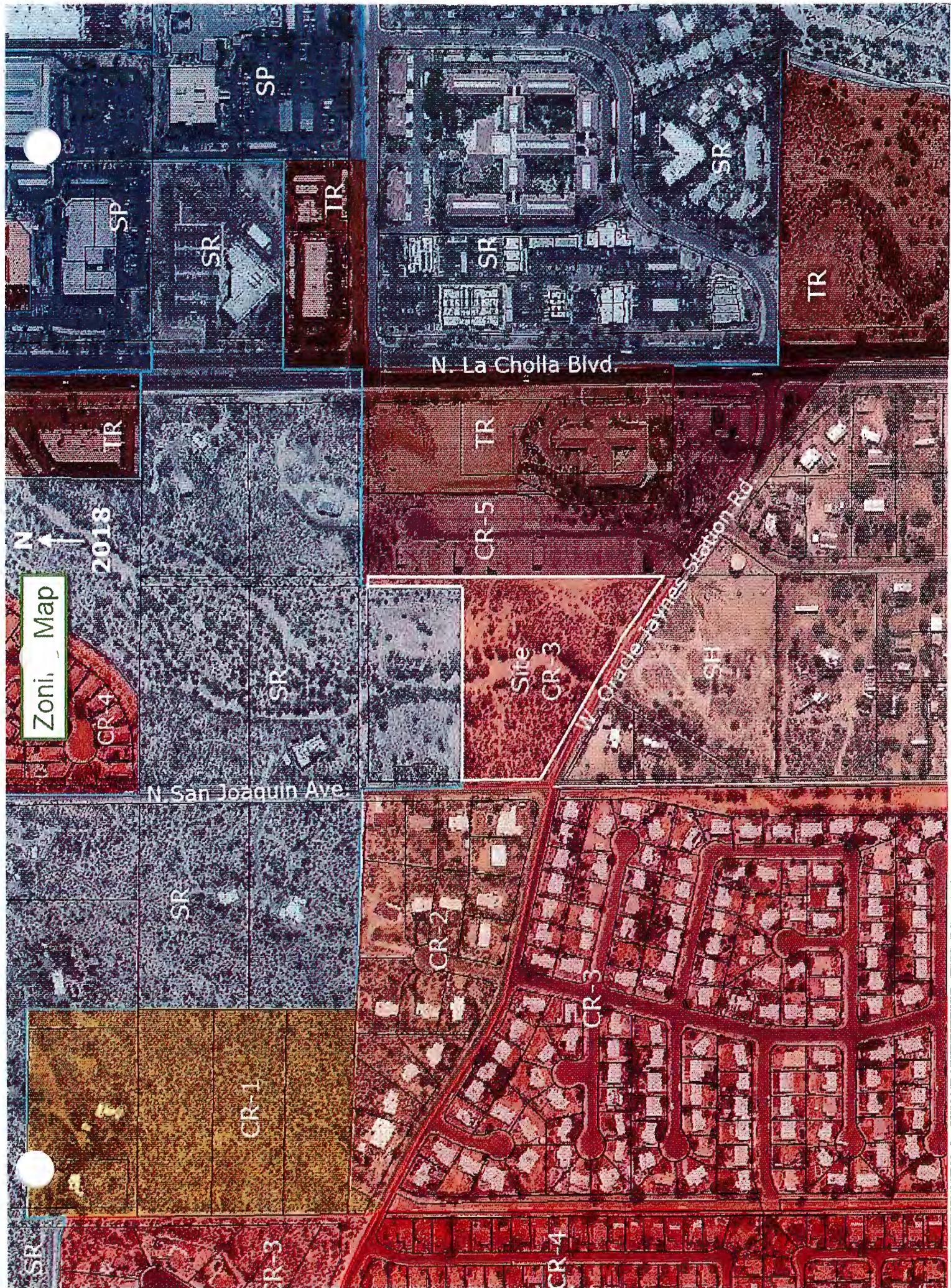
Policy

Upper Floodplain Mitigation / South of Cortaro Farms Road.

Prior to approval of any rezoning or specific plan application within this special area, the boundaries of the 100-year floodplain, as it affects the subject property, shall be established by the applicant and approved by the Regional Flood Control District (RFCD).

Required floodplain alterations or plans for such floodplain alterations, as approved by the RFCD, shall be a condition of rezoning. Notwithstanding the land use designation on the Land Use Plan, areas determined to be within the 100-year floodplain and which will not be removed from the 100-year floodplain through implementation of plans approved by the RFCD, shall revert to Resource Sensitive (RS).

Those areas determined to be outside the 100-year floodplain or which will be outside the 100-year floodplain prior to development through implementation of plans approved by RFCD shall retain the land use designation shown on the Land Use Plan.



~~Co9-04-30 Rezoning Continuance to 11-14-06
BOS Minutes 8-7-06~~

Supervisor Carroll stated this item had been postponed on July 11, 2006, and since that time the developer's representative had met with the Santa Rita Foothills Community Association and the Fire District to discuss the plan.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson, and carried by a four to zero vote, to close the public hearing and approve the Plat Note Modification request for Santa Rita Ranch II, Lots 1-169 and 238-295, and deny the Plat Note Modification request for Lots 234-237 and 296-301.

30. **DEVELOPMENT SERVICES: REZONING**

Co9-04-30, WHITE - ORACLE JAYNES STATION ROAD REZONING
Request of Daniel White for a rezoning of approximately 6.15 acres from SR (Suburban Ranch) to CR-3 (Single Residence), Cluster Option, on property located at the northeast intersection of Oracle Jaynes Station Road and San Joaquin Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Membrila and Hirsch voted **NAY**, Commissioners Cuyugan and Matter were absent) to recommend **DENIAL**. Staff recommends **DENIAL**. (District 1)

Without objection, this item was continued to the Board of Supervisors Meeting of November 14, 2006.

31. **DEVELOPMENT SERVICES: REZONING**

Co9-05-15, FERGANCHICK TRUST - OLD VAIL ROAD REZONING
Request of Sonya and Mark Ferganchick Trust, represented by Don Laidlaw for a rezoning of approximately 4.55 acres from SR (AE) (Suburban Ranch) (Airport Environs and Facilities Zone) to CI-2 (AE) (General Industrial) (AE) on property located south of Old Vail Road, approximately 950 feet west of Kolb Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cuyugan and Matter were absent) to recommend APPROVAL WITH CONDITIONS, subject to standard and special requirements. Staff recommends DENIAL. (District 4)

Co9-04-30 Rezoning Approval BOS Minutes 11-14-06

29. PROCUREMENT

- A. ORDINANCE NO. 2006- 90, of the Board of Supervisors of Pima County, Arizona, amending Chapter 11.12, Section 11.12.010G, to allow the Pima County Procurement Director to correct mistakes in bids after bid openings; and amending Chapter 11.08, Section 11.08.010(5), to allow the Pima County Procurement Director to execute contracts for materials in any amount, subsequent to Board award.
- B. Staff requests approval of the revisions to Board of Supervisors Policy No. D 29.4, Contracts Policy and Policy No. D 29.9, Department Purchase Responsibility.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez, and unanimously carried by a five to zero vote, to close the public hearing and to pass and adopt Ordinance No. 2006- 90, and approve the revisions.

30. DEVELOPMENT SERVICES: REZONING

The Board of Supervisors on August 1, 2006, continued the following to this date:

Co9-04-30, WHITE - ORACLE JAYNES STATION ROAD REZONING
Request of Daniel White for a rezoning of approximately 6.15 acres from SR (Suburban Ranch) to CR-3 (Single Residence), Cluster Option, on property located at the northeast intersection of Oracle Jaynes Station Road and San Joaquin Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Membrila and Hirsch voted NAY, Commissioners Cuyugan and Matter were absent) to recommend DENIAL. Staff recommends DENIAL. (District 1)

"Revised Conditions Recommended by Staff if Request is Approved
IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.

2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner shall dedicate 15 feet right-of-way for Oracle Jaynes Station Road.
 - B. ~~Urban residential street cross sections, includes curb and sidewalk, shall be provided by the property owner along Oracle Jaynes Station Road frontage and San Joaquin Road frontage (collector), and both roads within the site (local). The property owner shall provide offsite improvements along Oracle Jaynes Station Road frontage and San Joaquin Road frontage, which may include a minimum of curb, sidewalk and pavement widening, as determined necessary by the Department of Transportation, during review of subdivision plat.~~
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A drainage study shall be submitted for review and approval, which addresses the impacts of development to the federally mapped floodplain and local area drainage.
 - C. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
 - D. The property owner(s) shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - F. The property owner(s) shall contact the Flood Control District to determine whether a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) may be applied for due to the impact of the federally mapped floodplain (FEMA) on the proposed development.
 - G. All-weather access shall be provided to all lots to meet concurrency requirements.
 - H. A riparian mitigation plan shall be required for development in designated riparian areas.
 - I. A Maintenance Agreement is necessary that identifies the responsibilities and funding of both private and public drainage improvements.
9. Wastewater Management condition:
 - A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. The owner/developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity is available for any new development within

the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.

- C. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- D. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area.
- E. The owner/developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- F. The owner/developer shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- G. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

10. Cultural Resources Conditions:

- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
- B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
- C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

11. Fire District conditions:

- A. Fire hydrants shall meet fire flow of 1,000 gallons per minute from a hydrant system with spacing of the hydrants every 500 feet.
- B. Any dwellings over 3,600 square feet under roof shall be reviewed for additional fire protection measures.
- C. The hammerhead shall contain signage and red curbing of "NO PARKING FIRE LANE."

12. The project shall be reviewed by the Design Review Committee as a cluster project in accordance with the Cluster Development Option of the Zoning Code (Section 18.09.040).

13. In the event the subject property is annexed into the City of Tucson, 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.
14. Adherence to the preliminary development plan as approved at public hearing."

Chris Poirer, Zoning Administrator, stated the initial request was for 20 units, but the current request modified the number of units to 16. Staff recommended denial due to transportation concurrency issues and the Planning and Zoning Commission recommended denial due to overall concerns of density and transportation concurrency. Two neighbors submitted letters of protest and two residents addressed the Planning and Zoning Commission with concerns. On August 1, 2006, the applicant requested a continuance to meet and work with the neighbors to address their concerns. The request was revised from 20 units to 16 units, and the applicant also agreed to provide detached housing on the western portion of the site which primarily addressed neighborhood concerns.

The Chairman inquired whether anyone wished to be heard. No one appeared.

Supervisor Day stated Ken Scoville representing Amphitheater School District had to leave, but he asked her to inform the Board that the developer entered into a voluntary agreement for a contribution to the school district.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson, and unanimously carried by a five to zero vote, to close the public hearing and approve Co9-04-30 subject to standard and special requirements and there are to be no more than 16 units, single story buildings with 60% open space and adherence to the revised preliminary Development Plan which depicts detached housing on the western side of the parcel.

31. DEVELOPMENT SERVICES: BUILDING CODE TEXT AMENDMENT

Co19-06-01 BUILDING AND CONSTRUCTION CODES

An ordinance of Pima County, Arizona, relating to Building and Construction; adopting by reference the 2006 International Building Code with Local Amendments; adopting by reference the 2006 International Residential Code with Local Amendments; adopting by reference the 2005 National