



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan M. Colton, Planning Director *[Signature]*

DATE: November 6, 2013

SUBJECT: Co9-07-11 GUGINO – ESPERERO VISTA TRAIL EASEMENT
REZONING

The above referenced Rezoning Time Extension within your district is scheduled for the Board of Supervisors' **NOVEMBER 19, 2013** hearing.

REQUEST: A five-year time extension for a rezoning from SR (BZ) (Suburban Ranch) (Buffer Overlay Zone) to CR-1 (BZ) (Single Residence) (Buffer Overlay Zone). The site is approximately 3.75 acres located on the north side of Esperero Vista Trail Easement, approximately 1,250 feet north of Sunrise Drive and approximately 1,800 feet west of Sabino Canyon Road.

OWNER: Robert and Karolyn Gugino
4564 E. Camp Lowell Drive
Tucson, AZ 85712-1282

AGENT: None

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of November 6, 2013, no written public comments have been received.

STAFF RECOMMENDATION: APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS.

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

CP/DP/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-07-11

Page 1 of 9

FOR NOVEMBER 19, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director *AMC*
Development Services Department Planning Division

DATE: November 6, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-07-11 GUGINO – ESPERERO VISTA TRAIL EASEMENT REZONING

Request of Robert and Karolyn Gugino for a five-year **time extension** for the above-referenced rezoning from SR (BZ) (Suburban Ranch) (Buffer Overlay Zone) to CR-1 (BZ) (Single Residence) (Buffer Overlay Zone). The subject site was rezoned in 2007. The rezoning expired on September 11, 2012. The site is approximately 3.75 acres located on the north side of Esperero Vista Trail Easement, approximately 1,250 feet north of Sunrise Drive and approximately 1,800 feet west of Sabino Canyon Road. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS.**

(District 1)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a **five-year rezoning time extension** to September 11, 2017 for the subject 3.75 acres from SR (BZ) (Suburban Ranch) (Buffer Overlay Zone) to CR-1 (BZ) (Single Residence) (Buffer Overlay Zone) with modified standard and special conditions.

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

1. Submittal of a development plan or subdivision plat 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. The site is restricted to two lots, with one single family residence on each lot. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation condition:
All driveway(s) or easements serving more than one dwelling unit shall be paved (chip sealed) within 6 months of permit issuance.
8. Flood Control condition:
Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
9. Environmental Quality conditions:
 - A. The property owner shall connect to the public sewer system at the location and in the manner specified by Wastewater Management Reclamation at the time of review of the tentative plat, development plan, or request for building permit.
 - B. The existing road to serve this property shall be improved to meet the paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency. This demonstration shall be made prior to issuance of the Certificate of Compliance.

10. Wastewater conditions:

- A. The owner/developer shall not construe ~~no~~ any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
- B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Management 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, 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 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 ~~Pima County Wastewater Management Department PCRWRD~~ PCRWRD.
- C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the ~~Wastewater Management Department PCRWRD~~ in its capacity response letter and as specified by the ~~Development Services Department PCRWRD~~ at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- E. The owner/developer shall fund, design, and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- F. The owner/developer shall enter into a written agreement addressing the funding, 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.

- 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.
- 11. Environmental Planning conditions:
 - A. The applicants shall adhere to the greatest extent possible to the natural open space sketch plan submitted with their letter dated June 25, 2007.
 - B. No fences shall be erected on either lot in a manner that impedes wildlife movement through the natural open space from and to off-site locations.
 - 12. Cultural Resources conditions:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites 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 shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
 - 13. Subdivision Review conditions:
 - A. Both lots are subject to Buffer Overlay Zone performance standards, as applicable.
 - B. Any additional grading, on either lot shall require a single lot native plant preservation plan that also identifies buffelgrass patches for eradication.
 - 14. In the event the subject property is annexed, the property owner(s)/developer(s) 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~~ and sewer facilities.

15. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims, or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
- ~~16. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.~~
- ~~17. Adherence to the sketch plan as approved at public hearing.~~
- ~~18. No construction of buildings exceeding 24 feet in height shall be permitted without specific authorization from the Board of Supervisors. The Board of Supervisors reserves the right to limit construction to one story.~~
18. Upon the effective date of the Resolution, 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. Prior to issuance of the Certificate of Compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

STAFF REPORT:

Staff supports the requested five-year time extension to September 11, 2017. The rezoning expiration date was September 11, 2012, so effectively the owners would have a little less than four more years to comply with rezoning conditions. The rezoning of the 3.75-acre site from SR to CR-1 was requested for an additional lot to be created from an existing residential site. Rezoning condition #6, in part, limits the site to two lots with one residence on each.

To date, no rezoning conditions have been satisfied, but staff assumes that the downturn in housing market conditions has played a role in the delay. The rezoning was approved in mid-2007 when the downturn was first being recognized. The time extension request letter indicates that work toward meeting the conditions has involved mostly dealing with site preparation. The letter also indicates the proposed use is unchanged as are the circumstances regarding the original approval.

Staff finds concurrency of infrastructure exists to serve the additional residence; although, Catalina Foothills School District has not responded to a request for comment. Other reporting agencies indicate no objection to the time extension. The site remains designated as Low Intensity Urban 1.2 (LIU 1.2) in the Comprehensive Plan for which the CR-1 zone is compliant. The proposed additional residential lot remains compatible with surrounding residential development.

The site is outside of the Maeveen Marie Behan Conservation Lands System, but is within the Buffer Overlay Zone pertaining to its location within one mile of the Coronado National Forrest. The letter dated June 25, 2007 from the applicant and alluded to in condition #11(A) cites the intent and ability to comply with development standards of the overlay zone, including substantial preservation of natural vegetation.

Staff recommends some modifications to the existing rezoning conditions, including to Wastewater Department conditions under #8 as an update to the latest versions pertaining to requirements for usage of the public sewerage system. Condition #16, pertaining to contributions to the affordable housing trust fund, is recommended for deletion due to a change in County policy related to monetary exactions. New condition #18 is recommended pertaining to a new standard condition for removal of invasive buffelgrass. The condition augments existing condition #13(B) pertaining to buffelgrass eradication.

The subject site is located on the north side of Esperero Vista Trail Easement, approximately 1,250 feet north of Sunrise Drive and approximately 1,800 feet west of Sabino Canyon Road. The rezoning was approved by the Board of Supervisors on September 11, 2007. Denial of the time extension will cause the rezoning case to be closed and the site to revert to unrestricted SR which complies with its LIU 1.2 plan designation. Closure of the rezoning would not preclude the possibility of a future rezoning. CR-1 zoning is also available per the platting requirement of the Catalina Foothills Zoning Plan.

SURROUNDING LAND USES/GENERAL CHARACTER:

North:	SR (BZ)	Single Family Residential
South:	CR-4 (BZ)	Single Family Residential Subdivision
East:	SR (BZ)	Single Family Residential
West:	SR (BZ)	Single Family Residential

Residential zoning and land uses adjacent to the site remain unchanged since the initial rezoning approval. However, 500 feet west of the site, a 31-lot CR-1 subdivision plat was recorded in 2011 under the Catalina Foothills Zoning Plan platting option to obtain CR-1 zoning. It was an "infill" plat that links to other subdivisions that existed to its north and south. The CR-1 zoning plan was approved in 1964.

CONCURRENCY CONSIDERATIONS		
Department	Concurrency Considerations Met: Yes / No / N/A	Other Comments
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS & RECREATION	Yes	No objection
WATER	Yes	Will serve
SCHOOLS		No response
AIR QUALITY	Yes	No objection

TRANSPORTATION DEPARTMENT REPORT:

The subject rezoning site is located approximately 1,250 feet north of Sunrise Drive and 1,800 feet west of Sabino Canyon Road. The access to the site is via Esperero Vista Trail, which is a 20-foot privately maintained utility and ingress-egress easement. Esperero Vista Trail connects to the Ventana Shadows Subdivision on Via Umbrosia, a 26-foot-wide, privately maintained paved subdivision road.

Sunrise Drive and Sabino Canyon Road are both paved, two-lane, County maintained roads. They are designated as urban minor arterials. Sunrise Drive and Sabino Canyon Road south of Sunrise Drive are designated as Scenic Major Routes in the Pima County Major Streets and Scenic Routes Plan. The traffic counts for this area are as follows:

Sabino Canyon Road between Sunrise Drive and Snyder: 6,888 (2013)

Sabino Canyon Road north of Sunrise Drive: 3,729 (2011)

Sunrise Drive between Kolb and Sabino Canyon: 9,350 (2011)

Both Sunrise Drive and Sabino Canyon Road have a roadway capacity of 14,600 average daily trips (ADT). The requested rezoning could generate an additional 10 ADT for a total of 20 ADT from the site, which will not impact the overall traffic volume for either Sunrise Drive or Sabino Canyon Road. Both Sunrise Drive and Sabino Canyon Road south of Sunrise Drive have 150 feet of existing right-of-way. Sabino Canyon Road north of Sunrise Drive is 75-feet.

The existing access to the site is paved. Access to the additional lot is shown through the same paved driveway used to access the existing house.

Concurrency review criteria have been met. Staff does not recommend any additions/modifications to the rezoning conditions at this time.

REGIONAL FLOOD CONTROL DISTRICT REPORT:

The Pima County Regional Flood Control District has reviewed the request and has the following comments:

1. The site does not include FEMA or local floodplains.
2. No Pima County Regulated Riparian Habitat is located within the site.
3. No drainage complaints or violations are associated with this parcel.

In conclusion, PCRFCDD has no objection to this request.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:

The Pima County Regional Wastewater Reclamation Department has no objection to the five-year rezoning time extension but offers the above modified conditions.

DEPARTMENT OF ENVIRONMENTAL QUALITY REPORT:

On behalf of PCDEQ, the Time Extension request has been reviewed for compliance with PCDEQ requirements for on-site sewage disposal and air quality.

The Department has no objection to the proposed Time Extension.

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

NATURAL RESOURCES, PARKS AND RECREATION DEPARTMENT REPORT:

The Pima County Natural Resources, Parks, and Recreation Department has no objection to the requested time extension.

TUCSON WATER DEPARTMENT:

In the attached comments, Tucson Water indicates that it will provide water service to this project based on the zoning of the subject parcels.

UNITED STATES FISH AND WILDLIFE SERVICE:

No objections.

RURAL/METRO FIRE DEPARTMENT:

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

CATALINA FOOTHILLS SCHOOL DISTRICT:

To date, staff has not received a response to a request for comments.

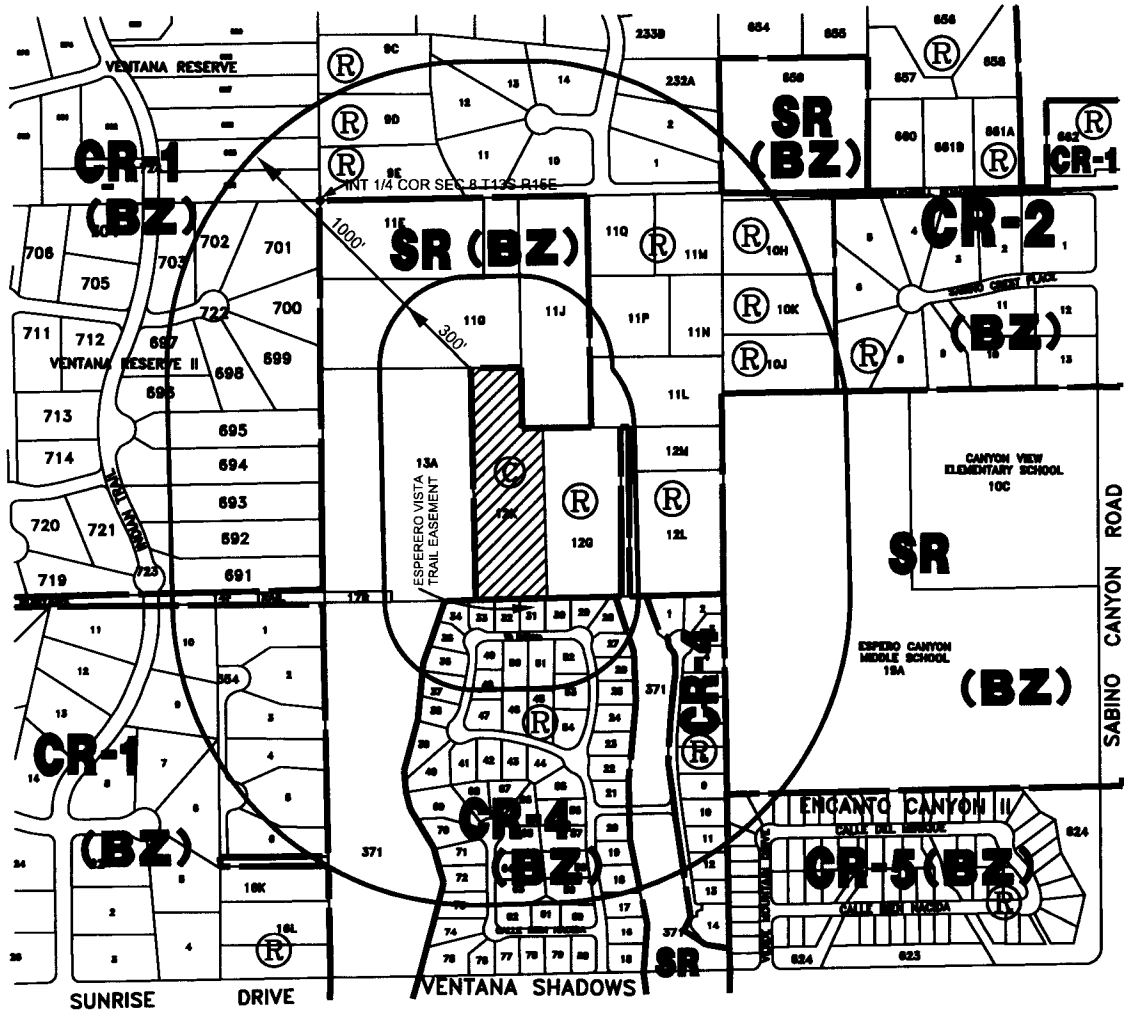
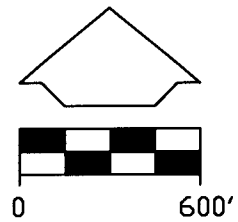
PUBLIC COMMENTS:


To date, no written public comments have been received.


CP/DP/ar
Attachments

c: Robert and Karolyn Gugino, 4564 E. Camp Lowell Drive, Tucson, AZ 85712-1282
Chris Poirier, Assistant Planning Director
Co9-07-11 File





Petition area 

Notification area 

BASE MAP 49

Notes REZONING TIME EXTENSION

Tax codes 114-05-012K

Date 10/14/13
Drafter DS

File no. C09-07-11
GLUGINO
ESPERERO VISTA TRAIL EASEMENT REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

CERTIFICATION:
I, THE SURVEYOR, HAVE MADE A PERSONAL AND VISUAL EXAMINATION OF THE SURVEY SHOWN ON THIS PLAN AND THE MONUMENTS EXIST AS SHOWN.

FREDERICK J. STEPHENSON
ARIZONA P.L.S. # 12537

VICINITY MAP 1/4" = 1 mile
A portion of Section 8,
T13S, R15E, G4SRM, Pima County, AZ.

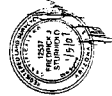


SCALE: 1" = 50'

PROPOSED REZONING **SR to CR-1** **Robert & Karolyn Gugino**

NOTICE:
THE SURVEYOR HAS MADE NO SEARCH FOR EASEMENTS OR OTHER ITEMS OF RECORD OTHER THAN THOSE SHOWN ON THE TITLE REPORT. THIS IS NOT AN ALTA SURVEY.

BASIS OF BEARINGS:
THE SURVEY OF THE SE/4 OF SECTION 8 AS SHOWN HEREON AND EAST LINE OF THE SE/4 OF SECTION 8, T13S, R15E, G4SRM, PIMA COUNTY, ARIZONA, WAS RUN BY THE SURVEYOR IN 1979.



28229 ROD BOWING

SHEET 2

RECORD OF SURVEY

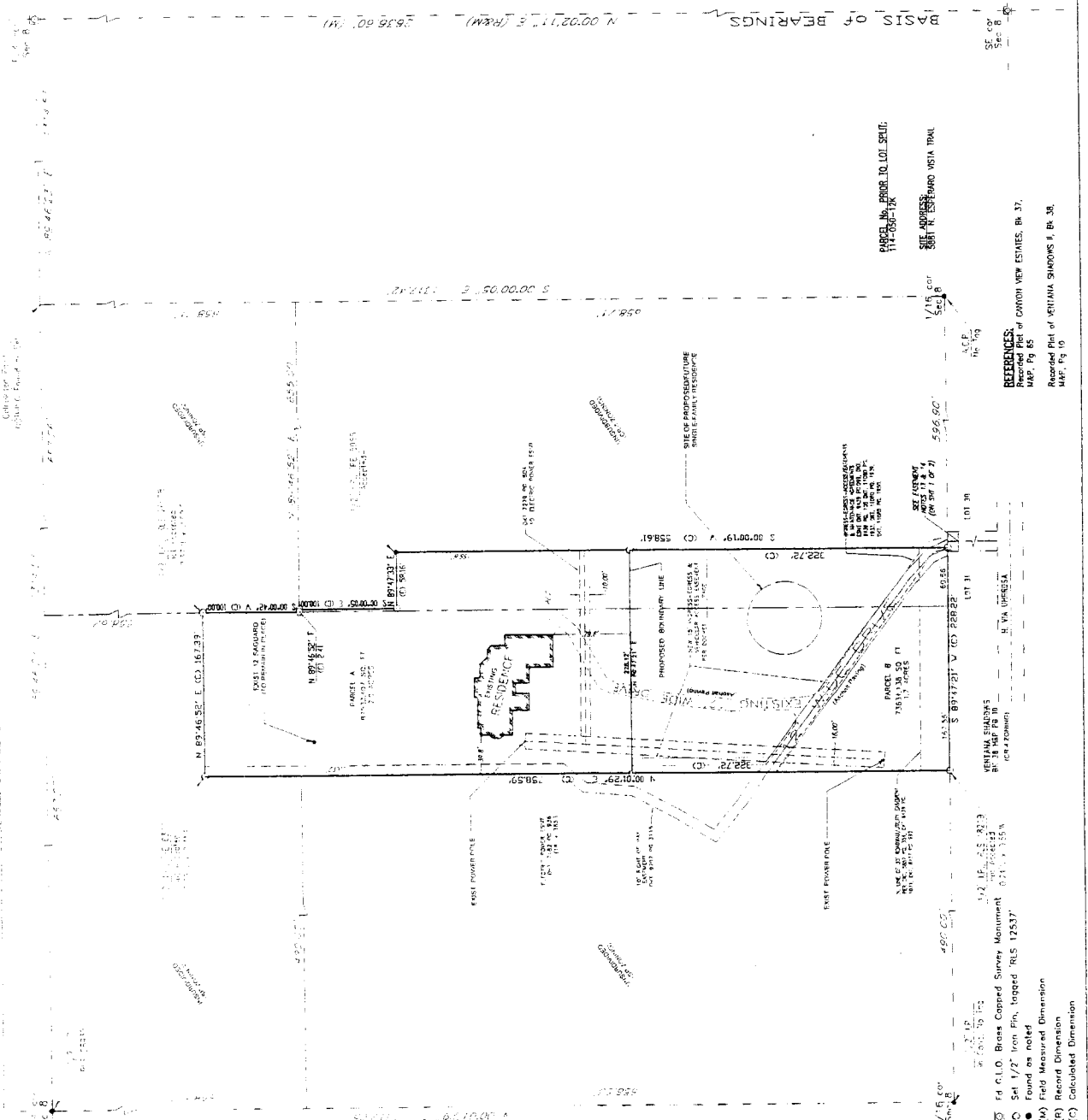
Proposed Minor Land Division
of a portion of the NW/4 of the
SE/4 of Section 8, T13S, R15E,
G4SRM, Pima County, AZ.

PRECISION LAND SURVEYING
8219 EAST 22ND STREET, TUCSON, ARIZONA 85710
PH (520) 298-2200 FAX (520) 298-0108 • EMAIL: FJSTEPH@GMAIL.COM

Book Page

Rezoning Sketch Plan C09-07-11

Approved by BOS
9-11-07



JUL-20238

Open Space Breakdown

Legend

Limits of Disturbed Area
and Proposed Building Envelope



Open Space Areas

Open Space Calculations

Northern Parcel

Total Parcel Area: 2.0 AC (87,533 SF)
Disturbed Area: 39,750 SF
Open Space: 47,783 SF (50%)

Southern Parcel (as Proposed)

Total Parcel Area: 1.7 AC (73,634 SF)
Existing Disturbed Area: 10,500 SF
Proposed Bldg. Envelope: 16,500 SF
Open Space: 46,634 SF (50%)

4/11/2007

Prepared by

9-11-07



Building Envelope for Existing Residence

Building Envelope for Proposed Residence

Existing Paved Driveway



NORTH

Scale 1" = 100'

Robert L. Gugino
4564 E. Camp Lowell Drive
Tucson, Arizona 85712

August 14, 2013

VIA HAND DELIVERY

Mr. Chris Poirier
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
Planning Division
201 N. Stone Avenue – 2nd Floor
Tucson, Arizona 85701

RE: Rezoning Extension Request for Co9-07-11 Gugino – Esperero Vista Trail

Dear Mr. Poirier:

Please accept this letter as my request to process a time extension for the above-referenced rezoning. Together with this request I am submitting the following:

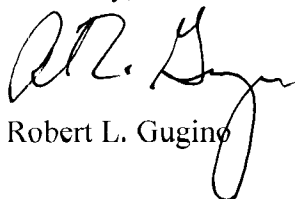
1. A Biological Impact Report; and
2. A Check made payable to Pima County for the extension fee in the amount of \$2,466.00.

Please be advised of the following:

1. My mailing address is as listed above which remains the same as the address shown in your file.
2. I have been working on meeting the zoning conditions mostly dealing with the preparation of the site.
3. The tax code number for the parcel remains 114-05-012K.
4. The number of acres remains 3.75 with the lots to be split in a 2 acre and 1.75 acre configuration.
5. The ownership remains the same namely Robert and Karolyn Gugino.
6. There is no change in the proposed use nor are there any other circumstances regarding the original approval which have been changed.

If you have any questions regarding the above, please contact me.

Sincerely,



Robert L. Gugino

GUGINO & MORTIMER, PLC

Robert L. Gugino
Jeannine Mortimer

4564 E. Camp Lowell Drive
Tucson, Arizona 85712-1282

Office (520) 577-7171
Fax (520) 529-0085
bob@gmlawaz.com

May 16, 2012

VIA FIRST CLASS U.S. MAIL

Chris Poirier
Pima County Development Services Department
201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701-1207

Tax Code Numbers: 114-05-012K

Re: Co9-07-11 Gugino – Esperero Vista Trail (easement) Rezoning

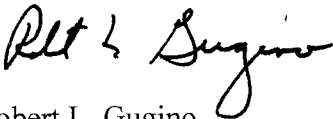
Dear Mr. Poirier:

I am in receipt of your letter dated February 16, 2012 regarding the above-referenced rezoning. I am hereby requesting that Pima County keeps this file open but I do not wish a time extension at this time.

If you have any questions regarding this request please contact me. Thank you!

Sincerely,

GUGINO & MORTIMER, PLC



Robert L. Gugino
RLG:mb



MEMORANDUM

Planning & Development
Regional Flood Control District



DATE: September 11, 2013

TO: David Petersen, DSD
Senior Planner

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

SUBJECT: Co9-07-11 Gugino – Esperero Vista Trail Rezoning Time Extension

I have reviewed the request and have the following comments:

1. The site does not include FEMA or local floodplains.
2. No Pima County Regulated Riparian Habitat is located within the site.
3. No drainage complaints or violations are associated with this parcel.

In conclusion, PCRFCFCD has **no objection** to this request.

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

GS/sm

cc: File



CITY OF
TUCSON

TUCSON WATER
DEPARTMENT

August 30, 2013

Robert L. Gugino
4564 E Camp Lowell Drive
Tucson, AZ 85712

Attn: Robert L. Gugino

**SUBJECT: Water Availability for project: Gugino - Esperero Trail Easement Rezoning ~
Co9-07-11, APN: 11405012K, Case #: WA1354, T-13, R-15, SEC-08, Lots: 9999, Location
Code: UNI, Total Area: 3.8ac, Zoning: CR-1**

WATER SUPPLY

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

WATER SERVICE

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

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

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

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

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

Sincerely,

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

SS:mg

CC:File

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





Rural/Metro Fire Department

www.rmfire.com

September 11, 2013

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

RE: Case Co9-07-11 Gugino-Esperero Vista Trail Rezoning Time Extension

Dear David,

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

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

Sincerely,

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

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

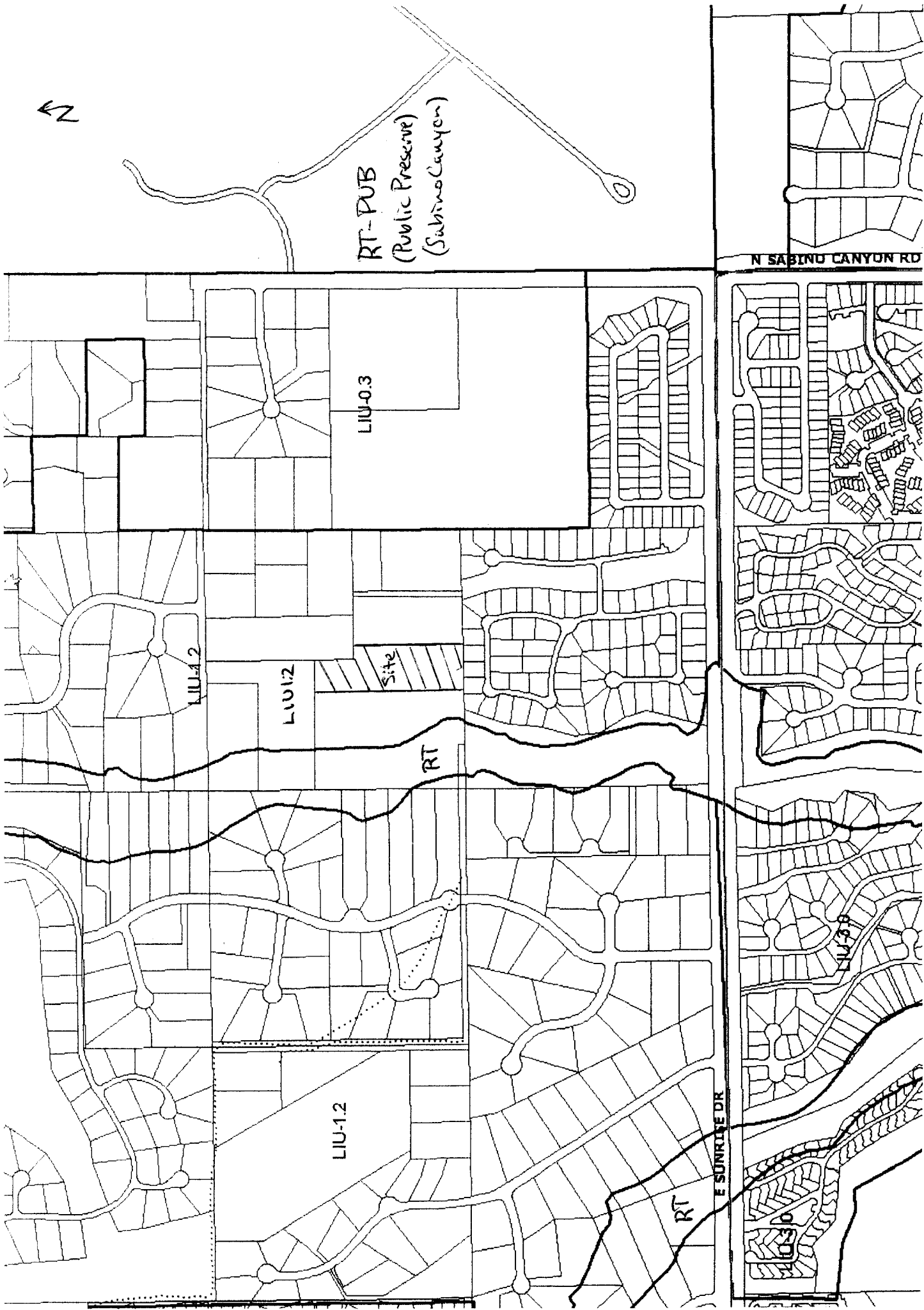
David Petersen

From: Richardson, Scott <scott_richardson@fws.gov>
Sent: Wednesday, September 18, 2013 1:43 PM
To: David Petersen
Subject: FWS review of rezoning time extension - Gugino. Esperero Vista Trail Easement - Co9-07-11
Attachments: pimacodsform.09-07-11.dp.sr.doc

David,

FWS review of the above action. No issues.

Scott Richardson
U.S. Fish and Wildlife Service
Tucson Suboffice
(520) 670-6150 x 242



Pima County Comprehensive Plan - Catalina Foothills Subregion
Plan Designation - Low Intensity Urban 1.2 (LIU 1.2)
Special Area Policy - S-2 Catalina Foothills

Low Intensity Urban

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

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

Low Intensity Urban 1.2

'LIU-1.2' or 'C-1.2' on the Land Use Plan Maps

- (a) Minimum - none
- (b) Maximum - 1.2 RAC. The maximum gross density may be increased in accordance with the following cluster options:
 - (i) Gross density of 2.5 RAC with 30 percent cluster open space, plus 15 percent natural open space; or
 - (ii) Gross density of 4.0 RAC with 30 percent cluster open space, plus 30 percent natural open space.
- c) Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements:
 - (i) Minimum – (none)
 - (ii) Maximum – 1.2 RAC. The maximum gross density may be increased in accordance with the following cluster option:
 - (1) Gross density of 2.0 RAC with 30 percent cluster open space plus 20 percent natural open space.

Zoning Districts

- 1) Within **Low Intensity Urban 3.0 and Low Intensity Urban 1.2**, only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - (a) GC Golf Course Zone
 - (b) SR Suburban Ranch Zone
 - (c) SR-2 Suburban Ranch Estate Zone
 - (d) SH Suburban Homestead Zone
 - (e) CR-1 Single Residence Zone
 - (f) CR-2 Single Residence Zone
 - (g) CR-3 Single Residence Zone
 - (h) CR-4 Mixed-Dwelling Type Zone
 - (i) CR-5 Multiple Residence Zone
 - (j) CMH-1 County Manufactured And Mobile Home-1 Zone
 - (k) MR Major Resort Zone

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

General location

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

Policy

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

ORDINANCE 2008- 10

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 114-05-012K) FROM SR (BZ) (SUBURBAN RANCH) (BUFFER OVERLAY ZONE) TO CR-1 (BZ) (SINGLE RESIDENCE) (BUFFER OVERLAY ZONE); IN CASE **Co9-07-11 GUGINO – ESPERERO VISTA TRAIL EASEMENT REZONING**; LOCATED ON THE NORTH SIDE OF ESPERERO VISTA TRAIL EASEMENT, APPROXIMATELY 1,200 FEET NORTH OF SUNRISE DRIVE AND APPROXIMATELY 1,800 FEET WEST OF SABINO CANYON ROAD; AMENDING PIMA COUNTY ZONING MAP NO. 49.

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

Section 1. The 3.75 acres, located on the north side of Esperero Vista Trail Easement, approximately 1,200 feet north of Sunrise Drive and approximately 1,800 feet west of Sabino Canyon Road, illustrated by the shaded area on the attached rezoning ordinance map (Exhibit "A"), which amends Pima County Zoning Map No. 49 is hereby rezoned from SR (BZ) (Suburban Ranch) (Buffer Overlay Zone) to CR-1 (BZ) (Single Residence) (Buffer Overlay Zone).

Section 2. Rezoning Conditions.

1. Submittal of a development plan or subdivision plat 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. The site is restricted to two lots, with one single family residence on each lot. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
All driveway(s) or easements serving more than one dwelling unit shall be paved (chip sealed) within 6 months of permit issuance.
8. Flood Control conditions:
Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
9. Department of Environmental Quality conditions:
 - A. The property owner shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.
 - B. The existing road to serve this property shall be improved to meet the paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency. This demonstration shall be made prior to issuance of the Certificate of Compliance.
10. Wastewater Department conditions:
 - 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 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 time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the 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.
 - E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - F. The owner / developer shall 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.
 - 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.
11. Environmental Planning conditions:
- A. The applicants shall adhere to the greatest extent possible to the natural open space sketch plan submitted with their letter dated June 25, 2007.
 - B. No fences shall be erected on either lot in a manner that impedes wildlife movement through the natural open space from and to off-site locations.
12. Cultural Resources Department conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites 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 shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- 13. Subdivision Review conditions:
 - A. Both lots are subject to Buffer Overlay Zone performance standards, as applicable.
 - B. Any additional grading, on either lot shall require a single lot native plant preservation plan that also identifies buffelgrass patches for eradication.
- 14. In the event the subject property is annexed, the property owner(s)/developer(s) 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.
- 15. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
- 16. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.
- 17. Adherence to the sketch plan as approved at public hearing.
- 18. No construction of buildings exceeding 24 feet in height shall be permitted without specific authorization from the Board of Supervisors. The Board of Supervisors reserves the right to limit construction to one story.

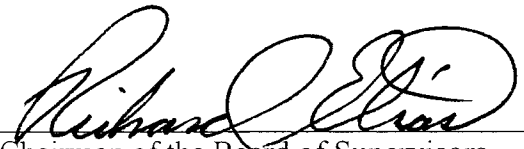
Section 3. Time limits, extensions and amendments of conditions.

- 1. Conditions 1 through 18 shall be completed by September 11, 2012.

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 18 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.

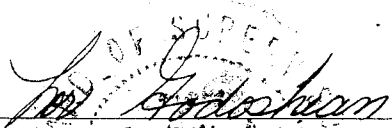
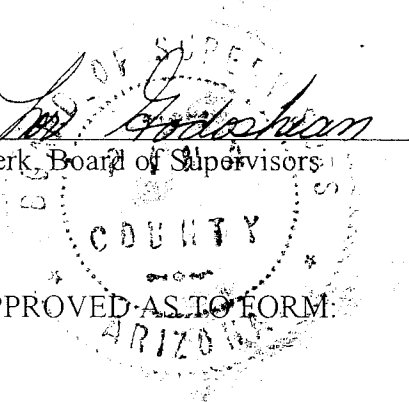
Section 4. The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

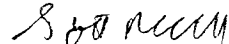
Passed and adopted by the Board of Supervisors of Pima County, Arizona, this 12th day of February, 2008.

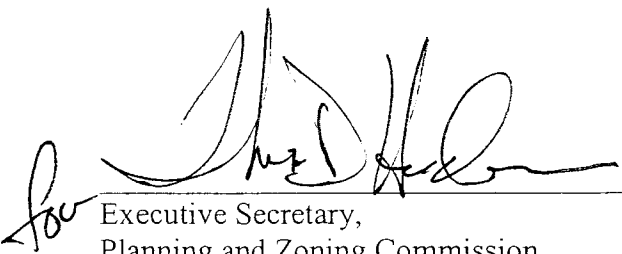

Chairman of the Board of Supervisors

ATTEST:

FEB 12 2008


Clerk, Board of Supervisors

APPROVED AS TO FORM
ARIZONA


Deputy County Attorney

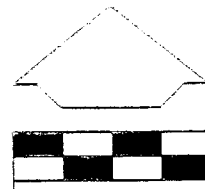

Executive Secretary,
Planning and Zoning Commission

0100460 000000

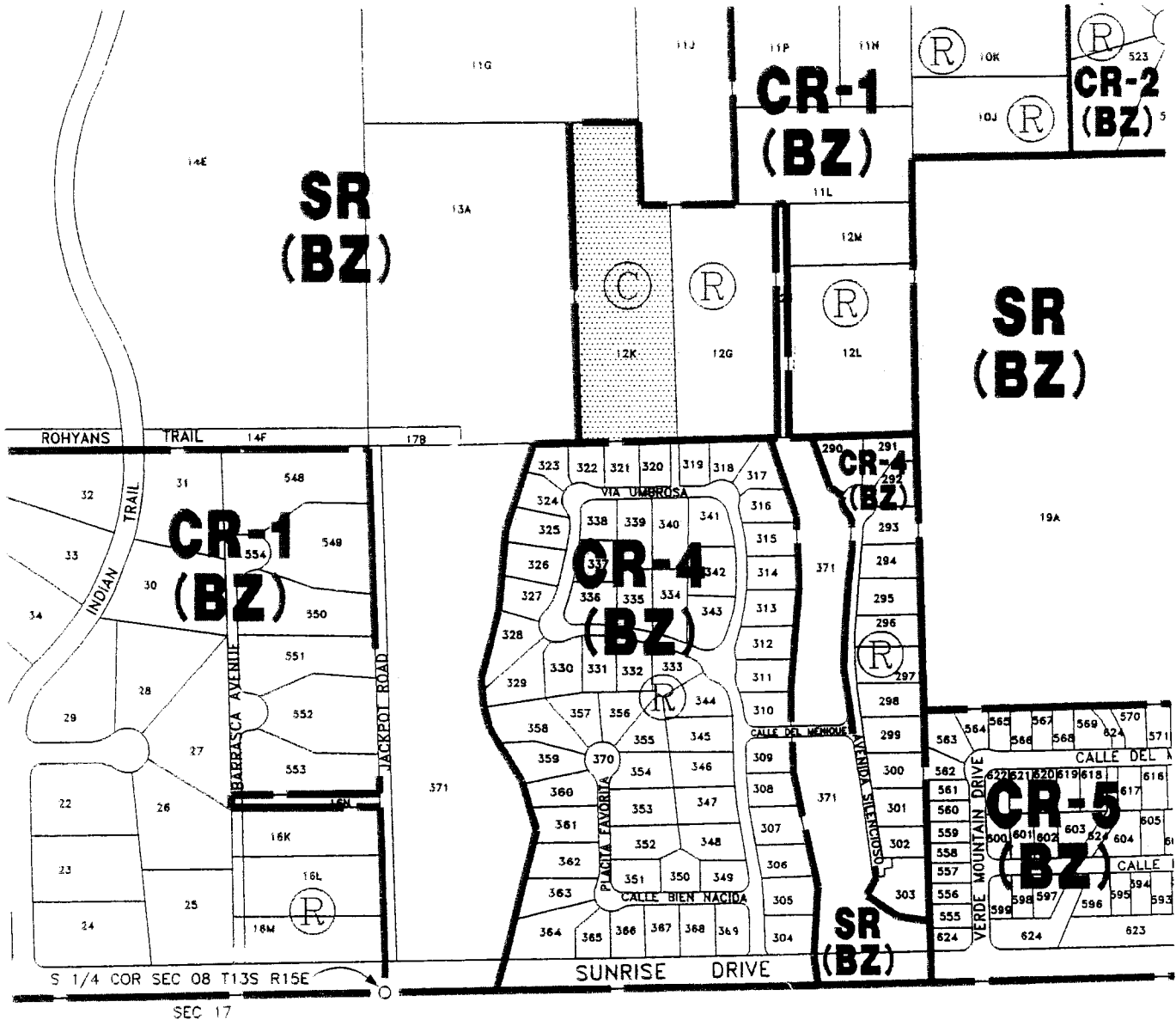
EXHIBIT "A"

AMENDMENT NO. 98 BY ORDINANCE NO. 2008-10
TO PIMA COUNTY ZONING MAP NO. 49 TUCSON, ARIZONA,
PARCEL 12K BEING A PART OF THE NW 1/4 OF THE SE 1/4
OF SEC 8, T13S R15E.

ADOPTED FEBRUARY 12, 2008 EFFECTIVE FEBRUARY 12, 2008



0 400'



[Handwritten Signature]

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR(BZ) 3.75 ac±
P)-DECEMBER 18, 2007

CO9-07-011
CO7-00-20
114-05-012K

~~14. FRANCHISES/LICENSES/PERMITS: Fireworks Permit~~

~~Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, October 5, 2007, at 9:00 p.m.~~

~~The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valdez and unanimously carried by a 5-0 vote, to close the hearing and approve.~~

15. **DEVELOPMENT SERVICES: Rezoning**

Co9-07-11, GUGINO – ESPERERO VISTA TRAIL EASEMENT REZONING

Request of Robert and Karolyn Gugino, represented by Jim Portner from Projects International, Inc., for a rezoning of 3.75 acres from SR (BZ) (Suburban Ranch) (Buffer Overlay Zone) to CR-1 (BZ) (Single Residence) (Buffer Overlay Zone) on property located on the north side of Esperero Vista Trail Easement, approximately 1,200 feet north of Sunrise Drive and approximately 1,800 feet west of Sabino Canyon Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-0 (Commissioner Spendarian abstained, Commissioners Matter, Gungle and Hirsch were absent) to recommend APPROVAL WITH CONDITIONS. Staff recommends APPROVAL WITH CONDITIONS and standard and special requirements. (District 1)

"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, Document Services.
6. The site is restricted to two lots with one single family residence on each lot. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. All driveway(s) or easements serving more than one dwelling unit shall be paved (chip sealed) within 6 months of permit issuance.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
9. Department of Environmental Quality conditions:
 - A. The property owner shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.
 - B. The existing road to serve this property shall be improved to meet the paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency. This demonstration shall be made prior to issuance of the Certificate of Compliance.
10. Wastewater Department conditions:
 - 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 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 time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the 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.
 - E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - F. The owner/developer shall 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.
 - 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.
11. Environmental Planning conditions:
 - A. The applicants shall adhere to the greatest extent possible to the natural open space sketch plan submitted with their letter dated June 25, 2007, ~~which conserves 54% of the northern parcel as natural open space and 60% of the southern parcel as natural open space.~~
 - B. No fences shall be erected on either lot in a manner that impedes wildlife movement through the natural open space from and to off-site locations.
 12. Cultural Resources Department conditions:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites 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 shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
 13. Subdivision Review conditions:
 - A. Both lots are subject to Buffer Overlay Zone performance standards, as applicable.
 - B. Any additional grading, on either lot shall require a single lot native plant preservation plan that also identifies buffelgrass patches for eradication.
 14. In the event the subject property is annexed, the property owner(s)/developer(s) 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.
 15. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
 16. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.
 17. Adherence to the sketch plan as approved at public hearing.
 18. No construction of buildings exceeding 24 feet in height shall be permitted without specific authorization from the Board of Supervisors. The Board of Supervisors reserves the right to limit construction to one story."

Chris Poirer, Zoning Administrator, gave a staff report. Four letters of concern and one letter of objection were received regarding drainage. The applicant met with neighbors and alleviated most, if not all, of their concerns.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the hearing and approve with conditions and standard and special requirements.