



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 5/3/2022

\*= Mandatory, information must be provided

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

**\*Title:**

ORDINANCE: P21RZ00010 HOGE/OLIVER – E. CLOUD ROAD REZONING

**\*Introduction/Background:**

The Board of Supervisors approved this rezoning on November 16, 2021.

**\*Discussion:**

The rezoning was for approximately 4.0 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone for two single-family residential parcels.

**\*Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

**\*Recommendation:**

Approval

**\*Fiscal Impact:**

0

**\*Board of Supervisor District:**

1    2    3    4    5    All

Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature:

Date:

4/12/22

Deputy County Administrator Signature:

Date:

4/12/2022

County Administrator Signature:

Date:

4/12/2022



Subject: P21RZ00010

Page 1 of 1

**MAY 3, 2022 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Deputy Director *Tom Drzazgowski*  
Public Works-Development Services Department-Planning Division  
**DATE:** April 12, 2022

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**ORDINANCE FOR ADOPTION**

**P21RZ00010 HOGE/OLIVER – E. CLOUD ROAD REZONING**

Owner: Bradley Reid Hoge & Sara E. Oliver  
(District 1)

**If approved, adopt ORDINANCE NO. 2022 - \_\_\_\_\_**

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**OWNERS:** Bradley Reid Hoge & Sara E. Oliver  
7960 E. Cloud Road  
Tucson, AZ 85750

**AGENT:** Same

**DISTRICT:** 1

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

**STAFF RECOMMENDATION: APPROVAL**

TD/DS  
Attachments

c: Reid Hoge

ORDINANCE 2022-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 4.0 ACRES (ADDRESSED AS 7960 E. CLOUD ROAD), FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-1 (SINGLE RESIDENCE) ZONE, IN CASE P21RZ00010 HOGE/OLIVER - E. CLOUD ROAD REZONING, LOCATED ON THE SOUTHWEST CORNER OF E. CLOUD ROAD AND N. WEBSTER ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO.'S 26 AND 27.

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

Section 1. The 4.0 acres addressed 7960 E. Cloud Road, located on the southwest corner of E. Cloud Road and N. Webster Road, and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zonings Map No.'s 26 and 27, is rezoned from the SR (Suburban Ranch) zone to the CR-1 (Single Residence) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. The existing access at the northeast corner of Lot 1 shall be closed and no longer utilized.
  - B. Each lot shall be limited to one access point as follows: Lot 1 shall have access off of N. Webster Road at least 150 feet south of the intersection of Cloud Road and Webster Road. Lot 2 shall have access off of E. Cloud Road aligned with Paseo del Torito to the north. The design of said access point(s) shall be determined at the time of building permitting.
  - C. A right-of-way use permit is required for any work within Pima County right-of-way.
  - D. A one-foot no access easement shall be provided along the south property boundary adjacent to E. Hardy Street and along the northern property boundary adjacent to E. Cloud Road with the exclusion of lot 2 access point.
3. Regional Wastewater Reclamation conditions:
  - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
  - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review.

Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
4. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
5. Adherence to the sketch plan as approved at public hearing (Exhibit B).
6. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights

Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Section 3. Time limits of conditions. Conditions 1 through 7 of Section 2 shall be completed no later than November 16, 2026.

Section 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 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

APPROVED AS TO FORM:



\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:



\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission

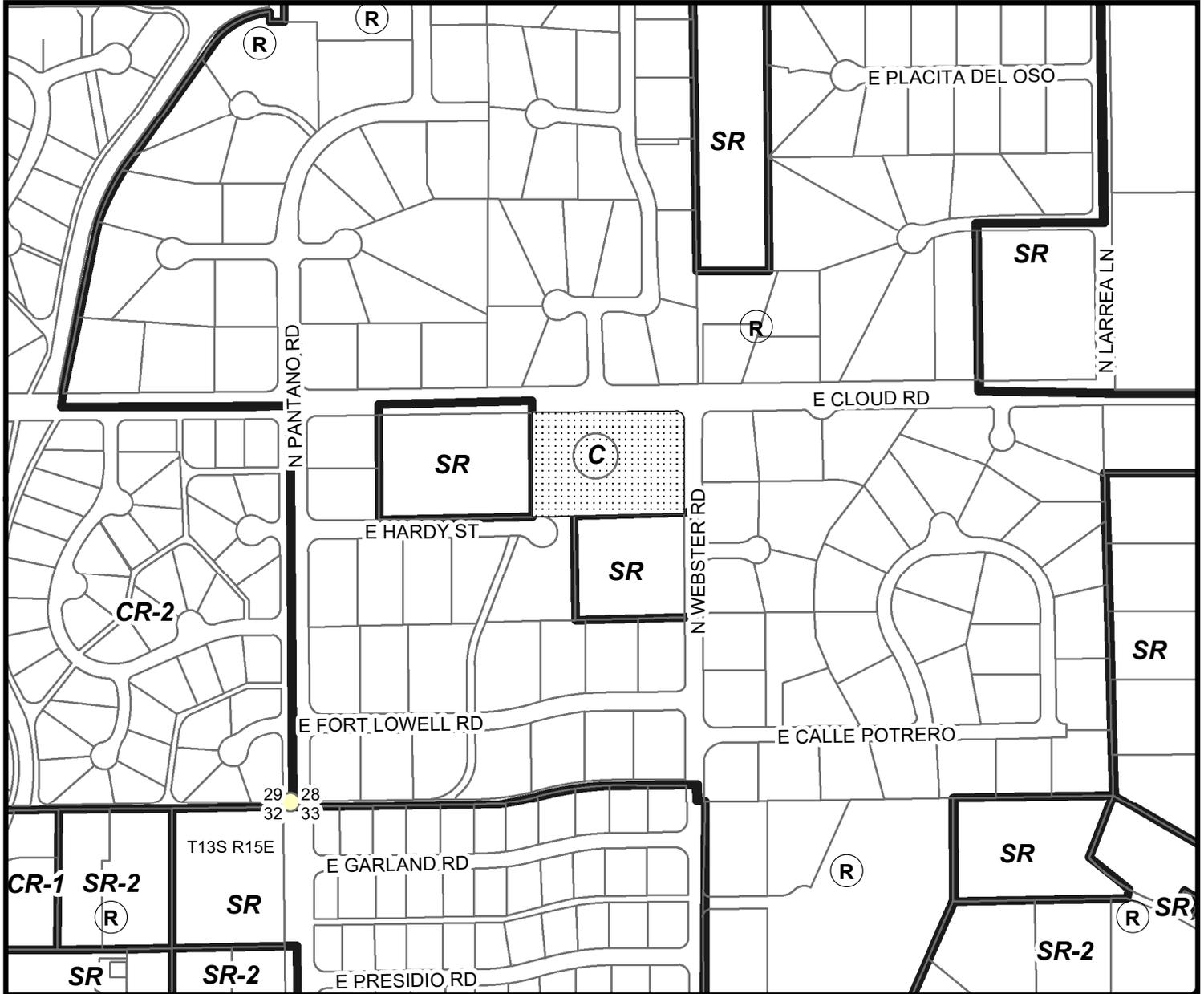
# EXHIBIT A

AMENDMENT NO.'S \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO.'S 26 & 27 TUCSON AZ. BEING A PART  
OF THE SW 1/4 OF THE SW 1/4 OF SECTION 28 OF T13S R15E.



0 125 250 500 Feet  
[Scale bar]

ADOPTED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

**(C)** NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 4.0 ac  
ds-January 21, 2022

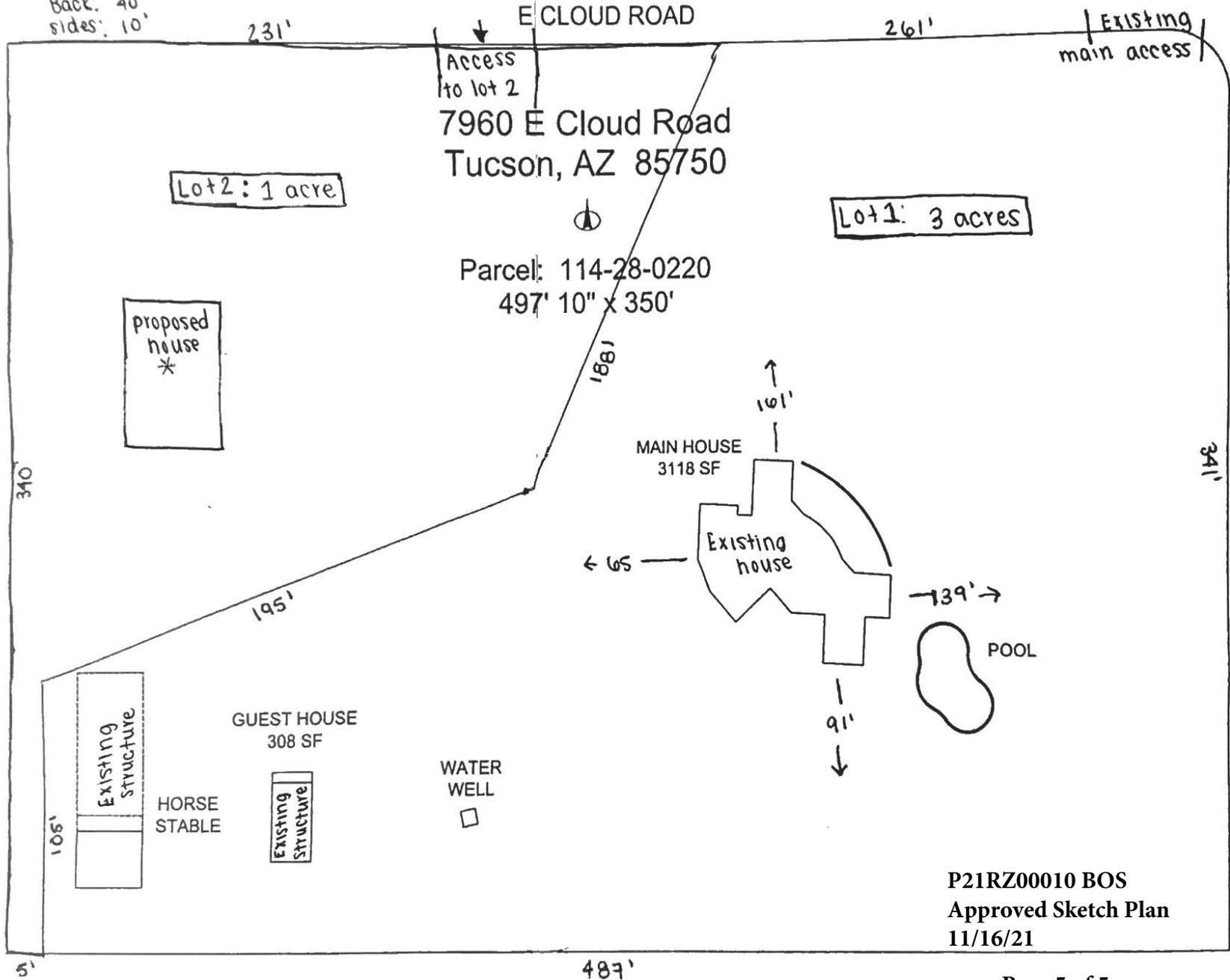
P21RZ00010  
114280220



\*proposed house  
Setbacks to meet requirement for CR1\*

Front: 30'  
Back: 40'  
sides: 10'

EXHIBIT B



P21RZ00010 BOS  
Approved Sketch Plan  
11/16/21