



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: August 7, 2018

**Title:** P17RZ00012 Fidelity National Title Agency TR 60477 - S. Camino de Oeste Rezoning

**Introduction/Background:**

The Board of Supervisors approved this rezoning April 17, 2018.

**Discussion:**

The rezoning was for approximately 19.99 acres from the SR (Suburban Ranch) to the CR-3 (Single Residence) zone for a 53-lot single family residential subdivision that lies outside the Maeveen Marie Behan Conservation Lands System.

**Conclusion:**

The Ordinance reflects the Board of Supervisors approval of the rezoning.

**Recommendation:**

Approval

**Fiscal Impact:**

0

**Board of Supervisor District:**

1       2       3       4       5       All

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

Contact: Terrill L. Tillman - Principal Planner Telephone: 520-724-6921

Department Director Signature/Date:  7/18/18

Deputy County Administrator Signature/Date:  7/20/18

County Administrator Signature/Date:  7/20/18



Subject: P17RZ00012

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**FOR AUGUST 7, 2018 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Planning Official *Tom Praszowski*  
Public Works-Development Services Department-Planning Division  
**DATE:** July 18, 2018

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**ORDINANCE FOR ADOPTION**

**P17RZ00012 FIDELITY NATIONAL TITLE AGENCY, INC. TRUST 60,477 – S. CAMINO DE OESTE REZONING**

Owners: Fidelity National Title Agency TR 60477  
(District 5)

**If approved, adopt ORDINANCE NO. 2018 - \_\_\_\_\_**

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**OWNERS:** Fidelity National Title Agency TR 60477  
Attn: Greg Anderson  
3573 E. Sunrise Dr., Ste. 233  
Tucson, AZ 85718

**AGENT:** Projects International, Inc.  
Attn: Jim Portner, Principal  
10836 E. Armada Lane  
Tucson, AZ 85749-9460

**DISTRICT:** 5

**STAFF CONTACT:** Terrill Tillman

**STAFF RECOMMENDATION:** APPROVAL.

CP/TT/ar  
Attachments

cc: P17RZ00012 File

ORDINANCE 2018-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 19.99 ACRES OF PROPERTY (PARCEL CODE 119-45-0210) FROM THE SR (SUBURBAN RANCH) TO THE CR-3 (SINGLE RESIDENCE) ZONE, IN CASE P17RZ00012 FIDELITY NATIONAL TITLE AGENCY, INC. TRUST 60,477 – S. CAMINO DE OESTE REZONING, LOCATED ON THE NORTHEAST CORNER OF S. CAMINO DE OESTE AND W. IRVINGTON ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO. 17.

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

Section 1. The 19.99 acres located at the northeast corner of S. Camino de Oeste and W. Irvington Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 17, is rezoned from the SR (Suburban Ranch) to the CR-3 (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 property shall be limited to two access points, one on Irvington Road and one of Camino de Oeste as indicated on the preliminary development plan.
  - B. Pedestrian access to the school shall be provided as indicated on the preliminary development plan (Exhibit B).
3. Regional Flood Control District condition: 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.
4. Regional Wastewater Reclamation conditions:
  - A. The owner 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 to that effect.
  - B. The owner 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 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 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 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 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 shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: 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.
  6. Cultural Resources condition:
    - A. 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.
    - B. If antiquities, archaeological sites, artifacts, burial sites are uncovered during excavation, a clearance from Pima County's archaeologists is required prior to resuming construction.
  7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
  8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
  9. The property owner shall execute the following disclaimer regarding 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(I)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than April 17, 2023.

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 Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

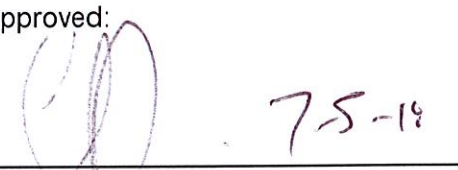
ATTEST:

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

Approved As To Form:

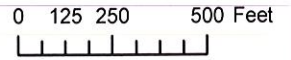
  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

Approved:

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

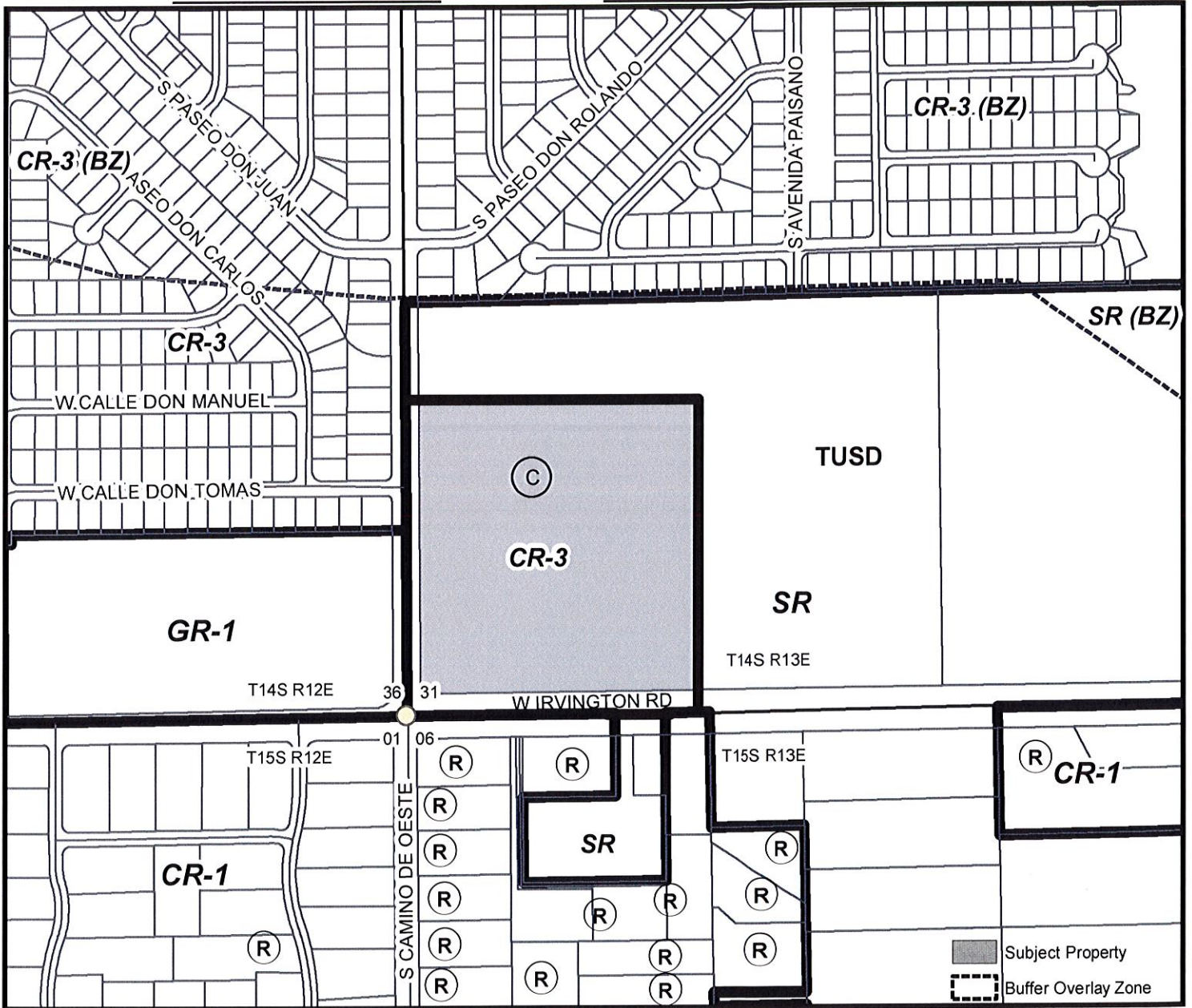
# EXHIBIT A

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 17 TUCSON AZ. PARCEL 21  
BEING A PART OF THE SW 1/4 OF THE SW 1/4 OF SEC 31 T14S R13E.



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

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

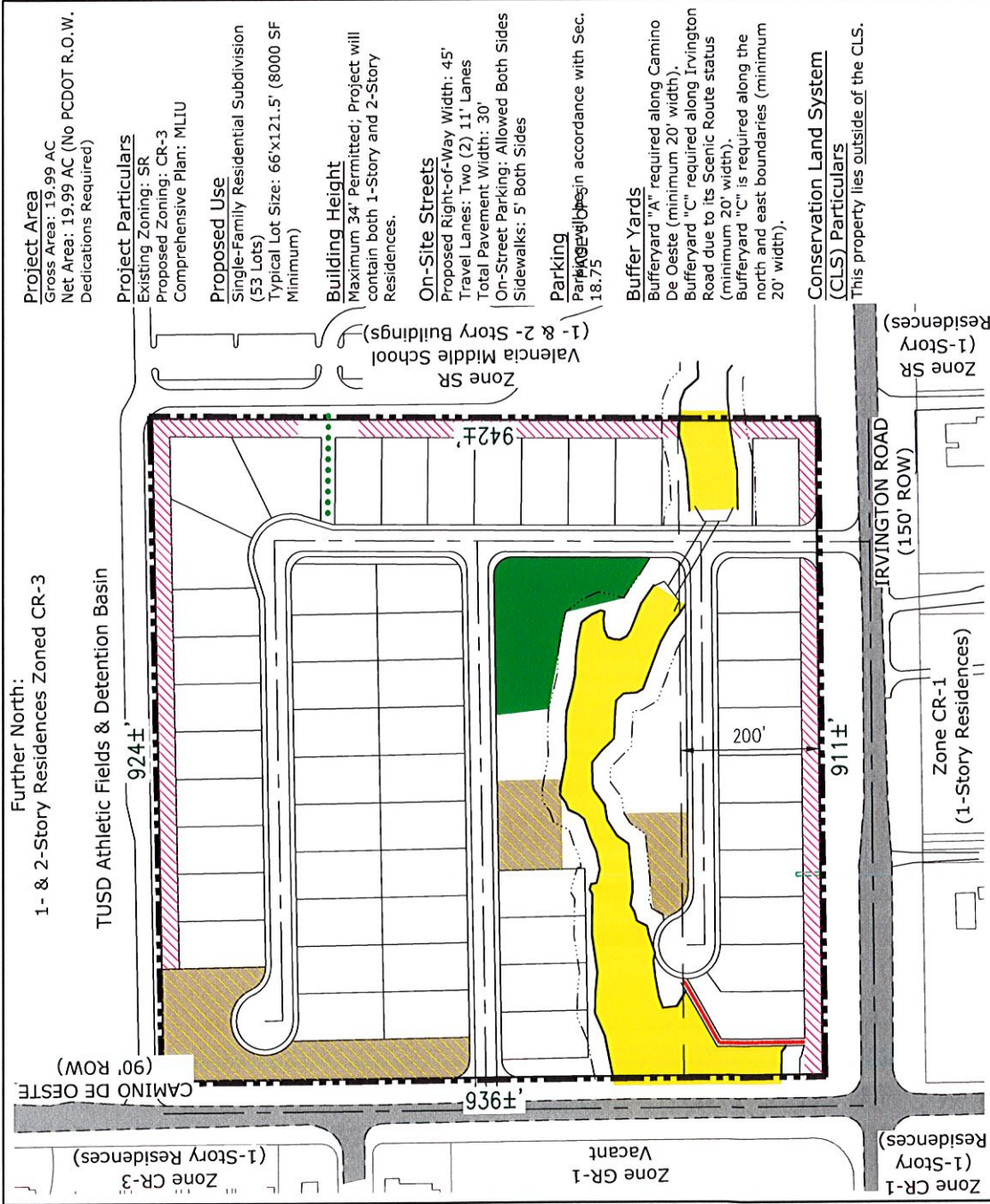


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR 19.99 ac  
ds-June 18, 2018

P17RZ00012  
119-45-0210





### LEGEND

Resizing site

Detention Basin/Drainage Areas (Landscaped)

Post-Development Regulatory Floodplains (Natural Area)

Post-Development Erosion Hazard Setbacks

New Culvert & Headwall

Proposed Bank Protection

Recreation Area

Pedestrian Linkage to School

Perimeter Natural Areas, enhanced with salvaged landscape specimens where necessary

Boundary Dimension

Existing 5'x35' Trico Electric Easement; no longer active and to be released/abandoned at time of Subdivision Platting.

Limit of 200' Scenic Routes Setback from Irvington Road; 24' height limit within setback area.

911±

0 150  
Scale: 1"=150'

Jim Portner, Agent for Owner  
PROJECTS INTERNATIONAL, INC.  
10836 E. ARMADA LANE  
TUCSON, ARIZONA 85749  
520 850-0917

**EXHIBIT B**

PRELIMINARY DEVELOPMENT PLAN

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**RED POINT DEVELOPMENT, INC**

20 ACRE PARCEL @ NORTHEAST CORNER IRVINGTON RD & CAMINO DE OESTE  
(OWNERSHIP: FIDELITY NATIONAL TITLE AGENCY TRUST No. 60,477)

REZONING: SR TO CR-3

PROJECTS INTERNATIONAL, Inc.  
STRATEGIC CONSULTING  
ENVIRONMENTAL SERVICES  
LOCAL ADMINISTRATION

**EPS GROUP**