



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: May 7, 2019

**Title:** P18RZ00007 FIMBRES - S. VICTOR DRIVE REZONING (Ordinance)

### Introduction/Background:

On January 22, 2019, the Board of Supervisors approved this rezoning subject to conditions as recommended by the Planning and Zoning Commission.

### Discussion:

The rezoning was for 4.35 acres from the RH (Rural Homestead) zone to the GR-1 (Rural Residential) zone to allow the development of five residential parcels.

### Conclusion:

The Ordinance reflects the Board of Supervisor's approval of the rezoning.

### Recommendation:

Approval

### Fiscal Impact:

N/A

### Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

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

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date: [Signature] 4/10/19

Deputy County Administrator Signature/Date: [Signature] 4/11/19

County Administrator Signature/Date: C. J. Doolittle 4/12/19

APR 24 19M01 07 PC CLK OF BD



DEVELOPMENT SERVICES

Subject: P18RZ00007

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**FOR MAY 7, 2019 MEETING OF THE BOARD OF SUPERVISORS**

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: April 9, 2019

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**ORDINANCE FOR ADOPTION**

**P18RZ00007** **FIMBRES – S. VICTOR DRIVE REZONING**

Owners: Francisco Fimbres  
(District 3)

If approved, adopt ORDINANCE NO. 2019 - \_\_\_\_\_

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**OWNERS:** Francisco Fimbres  
7441 W. Los Reales Road  
Tucson, AZ 85757-8990

**AGENT:** Perry Engineering  
505 W. Wetmore Road  
Tucson, AZ 85705

**DISTRICT:** 3

**STAFF CONTACT:** David Petersen

**STAFF RECOMMENDATION:** APPROVAL.

CP/DP/ar  
Attachments

cc: P18RZ00007 File

ORDINANCE 2019-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 4.35 ACRES OF PROPERTY, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF S. VICTOR DRIVE AND W. LOS REALES ROAD (ALIGNMENT), FROM THE RH (RURAL HOMESTEAD) ZONE TO THE GR-1 (RURAL RESIDENTIAL) ZONE, IN CASE P18RZ00007 FIMBRES – S. VICTOR DRIVE REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 65.

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

Section 1. The 4.35 acres located at the southwest corner of the intersection of S. Victor Drive and W. Los Reales Road (alignment) and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 65, is rezoned from the RH (Rural Homestead) zone to the GR-1 (Rural Residential) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Adherence to the sketch plan (Exhibit B) as approved at public hearing.
3. Flood Control condition:  
A site plan shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of any building permits for any of the lots, unless the lots have been removed from the Special Flood Hazard Area by an effective Letter of Map Revision approved by the Federal Emergency Management Agency.
4. 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

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.
5. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
6. 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.
7. 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.

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.

Section 3. Time limits of conditions. Conditions 1 through 8 of Section 2 shall be completed no later than January 22, 2024.

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 \_\_\_\_\_, 2019.

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

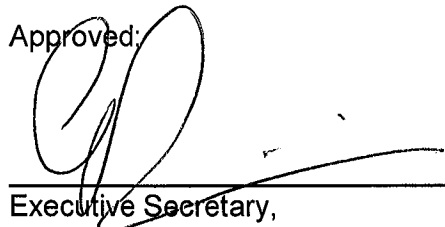
ATTEST:

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

Approved As To Form:

 3/25/19  
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. 65 TUCSON AZ. LOCATED  
IN THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 21 T15S R12E.



0 125 250 500 Feet  
[Scale bar]

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

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



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM RH 4.35 ac  
ds-March 7, 2019

P18RZ00007  
21041009A



# SKETCH PLAN FIMBRES REZONING

VAHALLA ROAD

**SUBJECT PARCEL**  
7405 W. LOS REALES ROAD  
A.P.N. 210-41-009A  
SEQ. 20162800418  
AREA = 4.350 ACRES  
THE EAST 1/2 OF THE NE 1/4 OF THE NE 1/4 OF  
THE NW 1/4 OF SEC. 24, T 15 S, R 12 E, GOSWIN,  
EXCEPTING THE N. AND E. 30' THEREOF.

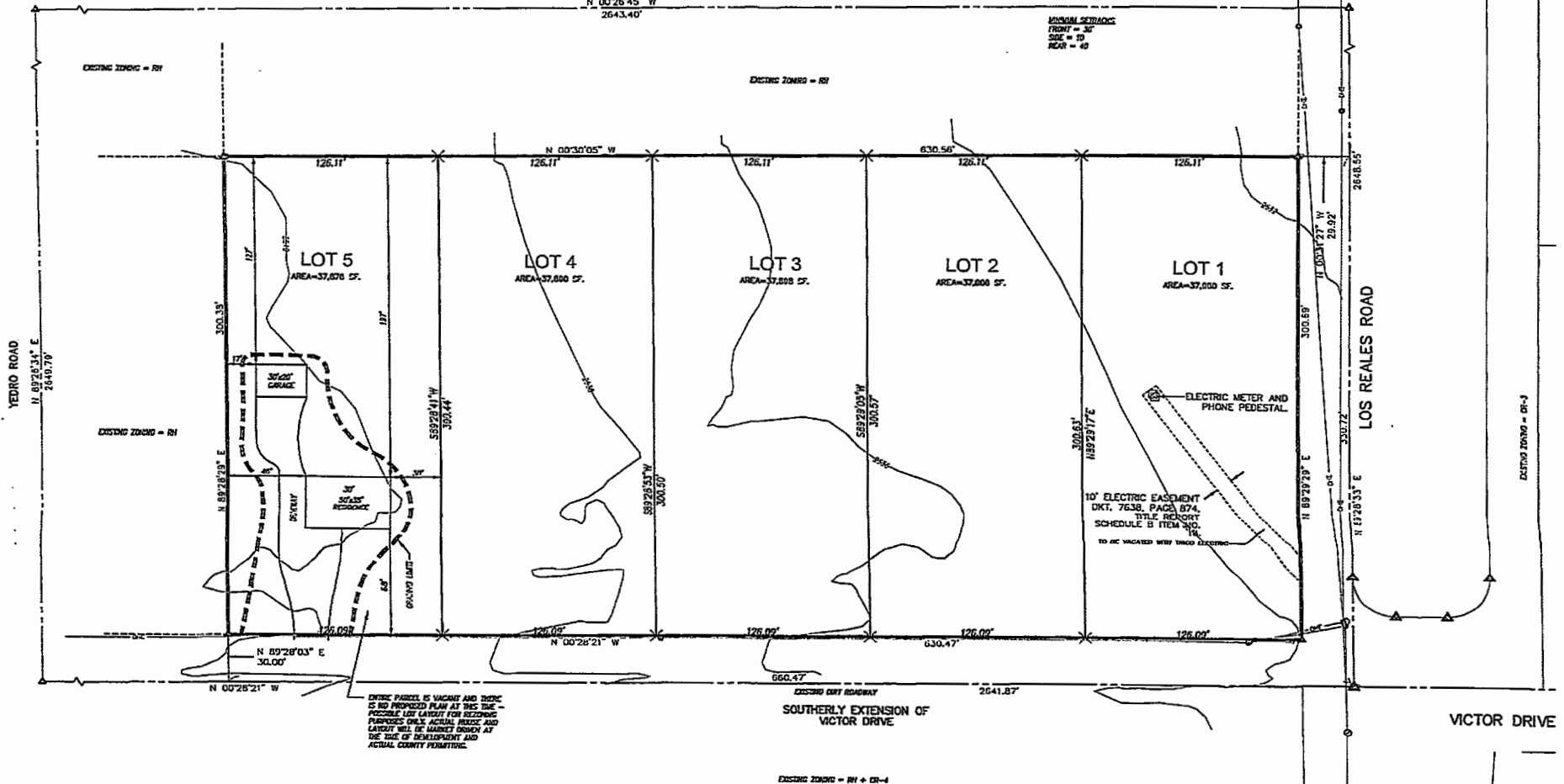
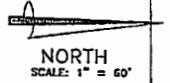


EXHIBIT B

P18RZ00007 Sketch Plan Approved  
at 1-22-19 BOS Hearing D.P.