

# **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: May 7, 2019

ARIZONI				g = 4.0		
<b>Title:</b> Co9-04-3	30 WHITE - OF	RACLE JAYNES S	TATION ROAD F	REZONING (Resolu	ution)	
Introduction/E	Background:					
		of Supervisors denie I modified conditions		ezoning and approve	ed a five-year Time	
Discussion:						
This Resolution	reflects the Boa	rd of Supervisors' ap	proval of the Rezo	oning Time Extension	1.	
Conclusion:						
The time limit an	nd conditions cor	ntained in Rezoning	Ordinance 2007-1	11 may be modified l	by resolution.	
Recommenda	tion:					المراجعة
Approval of the f	Resolution.					
Fiscal Impact:						Ž/
N/A						9
Board of Supe	ervisor Distric	t:				È
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Department: De	evelopment Se	rvices Departmen	t - Planning Te	elephone: 520-724-	9000	ä
Contact: Da	avid Petersen		Te	lephone: 520-724-	9000	
Department Di	rector Signatur	e/Date:	204	10/19		
Deputy County	Administrator	Signature/Date:			-4/11/1	7
County Adminis	etrator Signatu	ro/Date:	Cal	1. Hours	4/10/12	



**Subject: Co9-04-30** 

Page 1 of 1

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

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Planning Officia

Public Works-Development Services Department-Planning

DATE:

April 9, 2019

#### RESOLUTION FOR ADOPTION

Co9-04-30

WHITE - ORACLE JAYNES STATION ROAD REZONING

Owners: Daniel White

(District 1)

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

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

STAFF RECOMMENDATION: APPROVAL.

CP/DP/ar Attachments

cc: Co9-04-30 File

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A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; 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 REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE 2007-111.

The Board of Supervisors of Pima County, Arizona finds that:

- 1. On November 14, 2006, in rezoning case Co9-04-30, the Pima County Board of Supervisors approved the rezoning of approximately 6.15 acres located on the northeast corner of Oracle Jaynes Station Road and San Joaquin Avenue, as shown on Exhibit A, from SR (Suburban Ranch) to CR-3 (Single Residence), subject to standard and special conditions.
- 2. On December 18, 2007, the Pima County Board of Supervisors adopted rezoning Ordinance 2007-111, recorded at Docket 13207, Page 1575, rezoning the approximate 6.15 acres described in rezoning case Co9-04-30 and memorializing the standard and special conditions.
- 3. The owner of the rezoning site applied for two consecutive five-year extensions of the time limit set forth in Section 3 of Ordinance 2007-111.
- 4. On August 20, 2018, the Pima County Board of Supervisors accepted staff's recommendation against closure and approved two consecutive five-year time extensions subject to modified standard and special conditions;
- 5. Section 3 of Ordinance 2007-111 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

#### NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2007-111 are restated and modified as follows:

- 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 Avenue 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 upgradient 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 offsite 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(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.

## 446. 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."
- 127. 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(I)."

Section 2. Section 3 of Ordinance 2007-111 is restated and modified as follows:

- 1. Conditions 1 through 14 11 shall be completed by August 1, 2011 November 14, 2021.
- 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 11 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.

Passed and adopted, this	day of	, 2019.
	Chair	rman, Pima County Board of Supervisors
ATTEST:		APPROVED AS TO FORM:
Clerk of the Board		Debuty County Attorney Lesley M. Lukach

APPROVED:

Executive Secretary
Planning and Zoning Commission

# EXHIBIT "A"

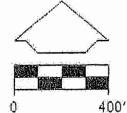
AMENDMENT NO. 94

TO PIMA COUNTY ZONING MAP NO. 45

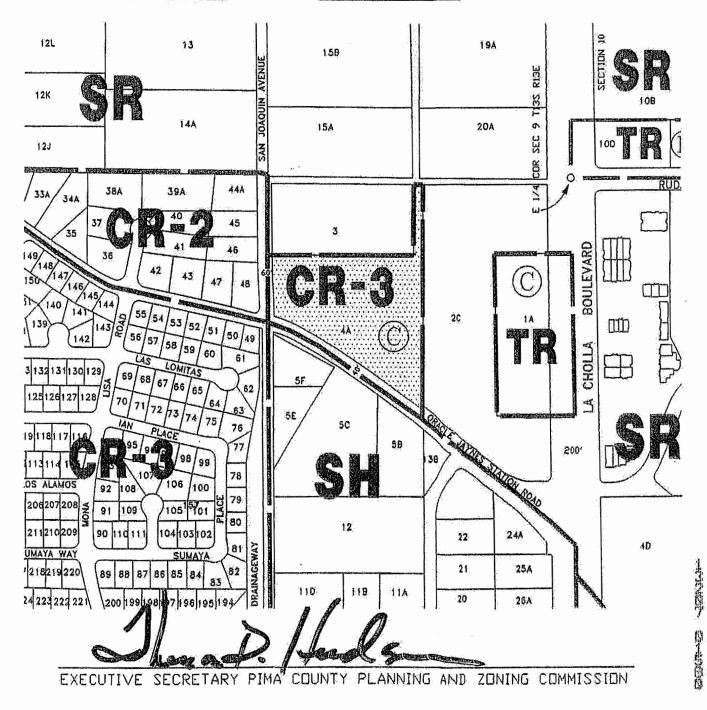
TUCSON, ARIZONA

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OF SEC 9, T13S R13E.

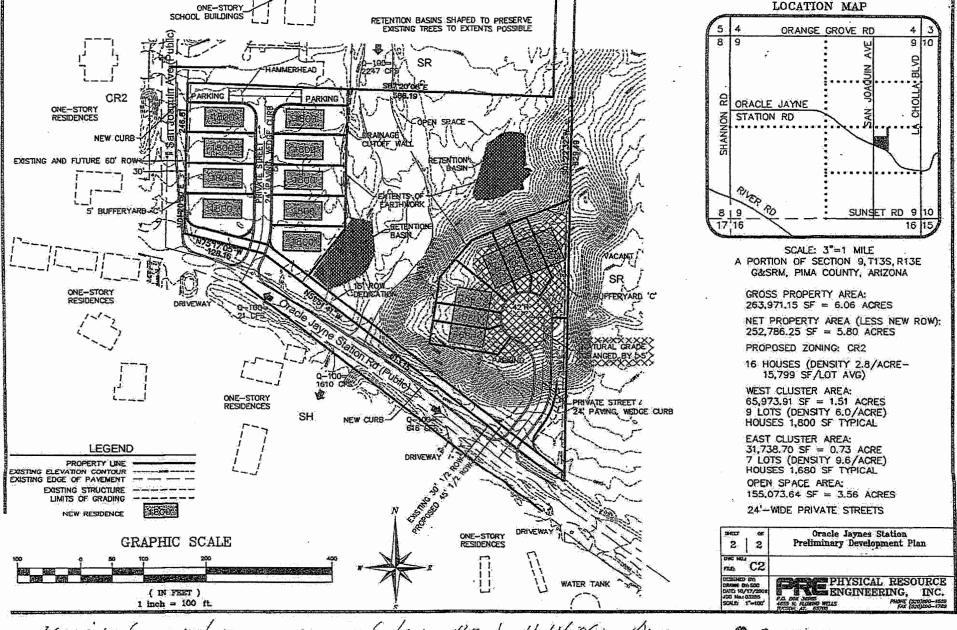


ADDPTED DECEMBER 18, 2007 EFFECTIVE DECEMBER 18, 2007



© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE FROM SR 6.15 &c± PJ-DCTOBER 29, 2007

CD9-04-30 CD7-00-20 101-12-004A



approachly Bod 11-14-00. Ma

Page 9 of 9