



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: February 16, 2021

**Title:** RESOLUTION AND ORDINANCE: P20CR00001 CUMMINGS ET AL - E. REX MOLLY ROAD  
CONCURRENT PLAN AMENDMENT/REZONING

### **Introduction/Background:**

The Board of Supervisors approved this concurrent plan amendment and rezoning on September 15, 2020.

### **Discussion:**

The concurrent plan amendment and rezoning was for approximately 2.5 acres from Planned Development Community (PDC) to Medium Intensity Rural (MIR) designation and from the SP (Specific Plan) to the GR-1 (Rural Residential) zone for a single family residence with limited livestock.

### **Conclusion:**

The Resolution and Ordinance reflect the Board of Supervisors' approval.

### **Recommendation:**

Approval

### **Fiscal Impact:**

N/A

### **Board of Supervisor District:**

☐ 1      ☐ 2      ☐ 3      ☒ 4      ☐ 5      ☐ All

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Department: Development Services - Planning Telephone: 520-724-8800

Contact: Mark Holden, AICP, Principal Planner Telephone: 520-724-6619

Department Director Signature/Date: *Carol Blackwell* 1/22/21

Deputy County Administrator Signature/Date: *[Signature]* 1/22/2021

County Administrator Signature/Date: *G. J. D. [Signature]* 1/22/21

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Subject: P20CR00001

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**FEBRUARY 16, 2021 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

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

*Mark Holden Principal Planner (for)*

**DATE:** February 1, 2021

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**RESOLUTION FOR ADOPTION**

**P20CR00001 CUMMINGS ET AL – E. REX MOLLY ROAD PLAN AMENDMENT AND REZONING**

Owners: Susan E. and George W. Cummings  
(District 4)

**If approved, adopt RESOLUTION NO. 2021 - \_\_\_\_\_**

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**OWNERS:** Susan E. and George W. Cummings  
80226 Linden Hills Street  
Covert, MI 49043

**AGENT:** Jessica and Todd Ogiba  
924 Tularosa Drive  
Sierra Vista, AZ 8563

**DISTRICT:** 4

**STAFF CONTACT:** Mark Holden, Principal Planner

**STAFF RECOMMENDATION:** APPROVAL.

CP/MH/ds  
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector  
P20CR00001 File  
Jessica and Todd Ogiba

RESOLUTION 2021-\_\_\_\_\_

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FROM PLANNED DEVELOPMENT COMMUNITY (PDC) TO MEDIUM INTENSITY RURAL (MIR) FOR APPROXIMATELY 2.5 ACRES LOCATED AT THE SOUTHWEST CORNER OF E. REX MOLLY ROAD AND S. WHITE LIGHTNING LANE, IN SECTION 3 OF TOWNSHIP 16 SOUTH, RANGE 16 EAST (ADDRESSED 13650 E. REX MOLLY ROAD), IN THE RINCON VALLEY PLANNING AREA.

IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map in the Rincon Valley Planning Area is hereby amended to change the planned land use intensity category for approximately 2.5 acres, as referenced in P20CR00001 Cummings et al. - E. Rex Molly Road Concurrent Plan Amendment and Rezoning, located at the southwest corner of E. Rex Molly Road and S. White Lightning Lane, in Section 3, Township 16 South, Range 16 East, as shown on the map attached to this Resolution as Exhibit A and incorporated by this reference, from Planned Development Community (PDC) to Medium Intensity Rural (MIR).

Section 2. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this Resolution.

Section 3. This Resolution shall become effective on the date of adoption.

Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

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

APPROVED AS TO FORM:



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Deputy County Attorney  
Lesley M. Lukach

APPROVED:

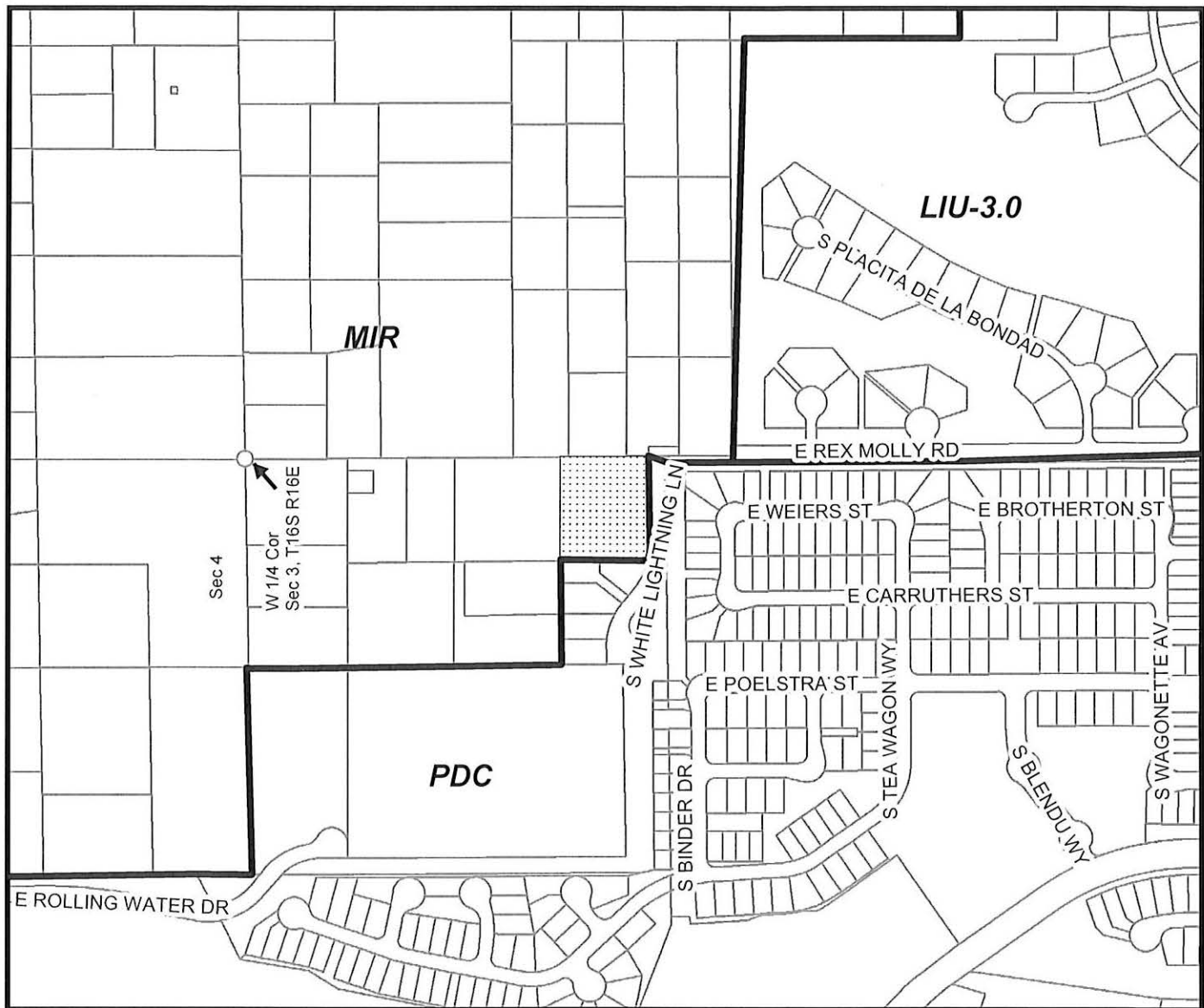
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Executive Secretary  
Planning and Zoning Commission


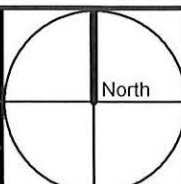
# COMPREHENSIVE PLAN AMENDMENT

## Planned Land Use Exhibit A

 Subject Property



0 220 440 880 Feet

|   |  |  |
|---|--|--|
| <p>Taxcode:<br/>305-05-0690</p>   | <p><b>P20CR00001 CUMMINGS, ET AL - E. REX MOLLY ROAD<br/>CONCURRENT PLAN AMENDMENT &amp; REZONING</b></p> <p>Planned Development Community (PDC)<br/>to Medium Intensity Rural (MIR) 2.5 Acres +/-</p>                   | <p>District 4<br/>Location:<br/>Located on south-<br/>west corner of E.<br/>Rex Molly Road<br/>and S. White<br/>Lightning Lane</p> |
|  | <p>Rincon Valley Planning Area under Pima Prospers<br/>Section 3, Township 16 South, Range 16 East</p> <p>Planning and Zoning Commission Hearing: July 29, 2020<br/>Board of Supervisors Hearing: September 15, 2020</p> |  |
| <p>Map Scale: 1:6,000<br/>Map Date: November 25, 2020 / dms</p>                     |  |   |



Subject: P20CR00001

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**FEBRUARY 16, 2021 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Chris Poirier, Planning Official *Mark Holden Principal Planner (for)*  
Public Works-Development Services Department-Planning Division

**DATE:** February 1, 2021

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**ORDINANCE FOR ADOPTION**

**P20CR00001 CUMMINGS ET AL – E. REX MOLLY ROAD PLAN AMENDMENT AND REZONING**

Owners: Susan E. and George W. Cummings  
(District 4)

**If approved, adopt ORDINANCE NO. 2021 - \_\_\_\_\_**

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**OWNERS:** Susan E. and George W. Cummings  
80226 Linden Hills Street  
Covert, MI 49043

**AGENT:** Jessica and Todd Ogiba  
924 Tularosa Drive  
Sierra Vista, AZ 8563

**DISTRICT:** 4

**STAFF CONTACT:** Mark Holden, Principal Planner

**STAFF RECOMMENDATION:** APPROVAL.

CP/MH/ds  
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector  
P20CR00001 File  
Jessica and Todd Ogiba

ORDINANCE 2021-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 2.5 ACRES OF PROPERTY (ADDRESSED AS 13650 E. REX MOLLY ROAD) FROM SP (SPECIFIC PLAN) TO GR-1 (RURAL RESIDENTIAL) ZONE, IN CASE P20CR00001 CUMMINGS ET AL - E. REX MOLLY ROAD CONCURRENT PLAN AMENDMENT AND REZONING, LOCATED AT THE SOUTHWEST CORNER OF E. REX MOLLY ROAD AND S. WHITE LIGHTNING LANE, AND AMENDING PIMA COUNTY ZONING MAP NO. 133.

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

Section 1. The 2.5 acres located at the southwest corner of E. Rex Molly Road and S. White Lightning Lane and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 133, is rezoned from the SP (Specific Plan) to the GR-1 (Rural Residential) 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. Regional Flood Control District condition: For disturbance of riparian habitat of one-third acre or greater, a Floodplain Use Permit and Riparian Habitat Mitigation Plan shall be required and approved by the Regional Flood Control District.
3. Regional Wastewater Reclamation Department conditions:
  - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/rezoning area.
4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. 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.
- Invasive Non-Native Plant Species Subject to Control*
- |                               |   |
|-------------------------------|---|
| <i>Ailanthus altissima</i>    | Tree of Heaven  |
| <i>Alhagi pseudalhagi</i>     | Camelthorn  |
| <i>Arundo donax</i>           | Giant reed  |
| <i>Brassica tournefortii</i>  | Sahara mustard  |
| <i>Bromus rubens</i>          | Red brome   |
| <i>Bromus tectorum</i>        | Cheatgrass  |
| <i>Centaurea melitensis</i>   | Malta starthistle   |
| <i>Centaurea solstitialis</i> | Yellow starthistle  |
| <i>Cortaderia</i> spp.        | Pampas grass  |
| <i>Cynodon dactylon</i>       | Bermuda grass (excluding sod hybrid)                          |
| <i>Digitaria</i> spp.         | Crabgrass   |
| <i>Elaeagnus angustifolia</i> | Russian olive   |
| <i>Eragrostis</i> spp.        | Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass) |
| <i>Melinis repens</i>         | Natal grass   |
| <i>Mesembryanthemum</i> spp.  | Iceplant  |
| <i>Oncosiphon piluliferum</i> | Stinknet  |
| <i>Peganum harmala</i>        | African rue   |
| <i>Pennisetum ciliare</i>     | Buffelgrass   |
| <i>Pennisetum setaceum</i>    | Fountain grass  |
| <i>Rhus lancea</i>            | African sumac   |
| <i>Salsola</i> spp.           | Russian thistle   |
| <i>Schinus</i> spp.           | Pepper tree   |
| <i>Schismus arabicus</i>      | Arabian grass   |
| <i>Schismus barbatus</i>      | Mediterranean grass   |
| <i>Sorghum halepense</i>      | Johnson grass   |
| <i>Tamarix</i> spp.           | Tamarisk  |
5. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A



cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted 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. 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.

6. Adherence to the sketch plan (Exhibit B) as approved at public hearing, and keeping of no more than four (4) horses and two (2) goats (female or neutered male goats only) on the site per application request letter. No other types of livestock or small farm animals shall be permitted. No horses from off-site shall be permitted to use the facilities on-site.
7. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
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(l)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than September 15, 2025.

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 \_\_\_\_\_, 2021.

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

ATTEST:

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

APPROVED AS TO FORM:

APPROVED:



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Deputy County Attorney  
Lesley M. Lukach

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Executive Secretary,  
Planning and Zoning Commission

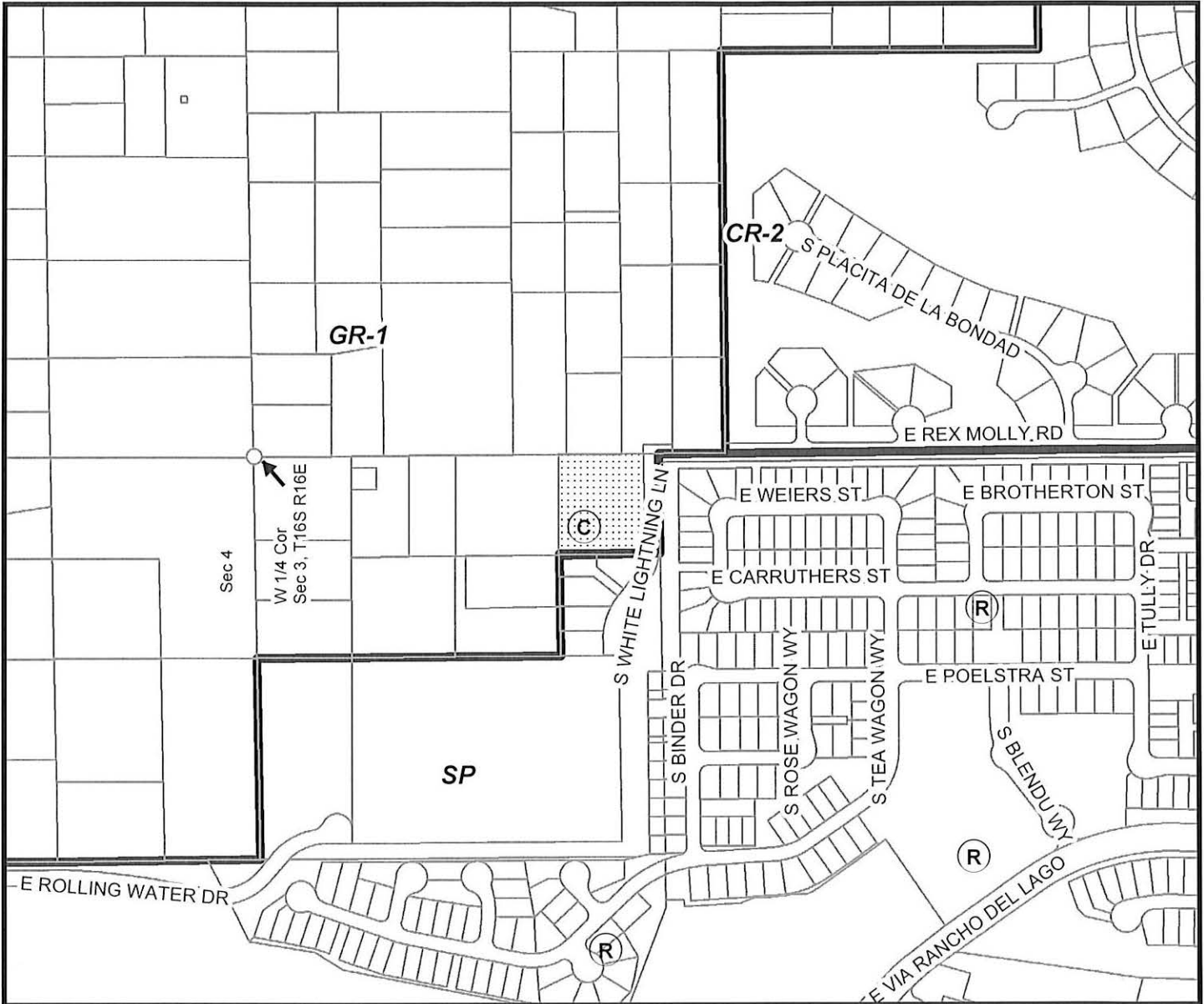
# EXHIBIT A

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 133 TUCSON AZ. LOCATED  
IN THE N 1/2 OF THE SW 1/4 OF SECTION 3 T16S R16E.



0 120 240 480 Feet  
[Scale bar]

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



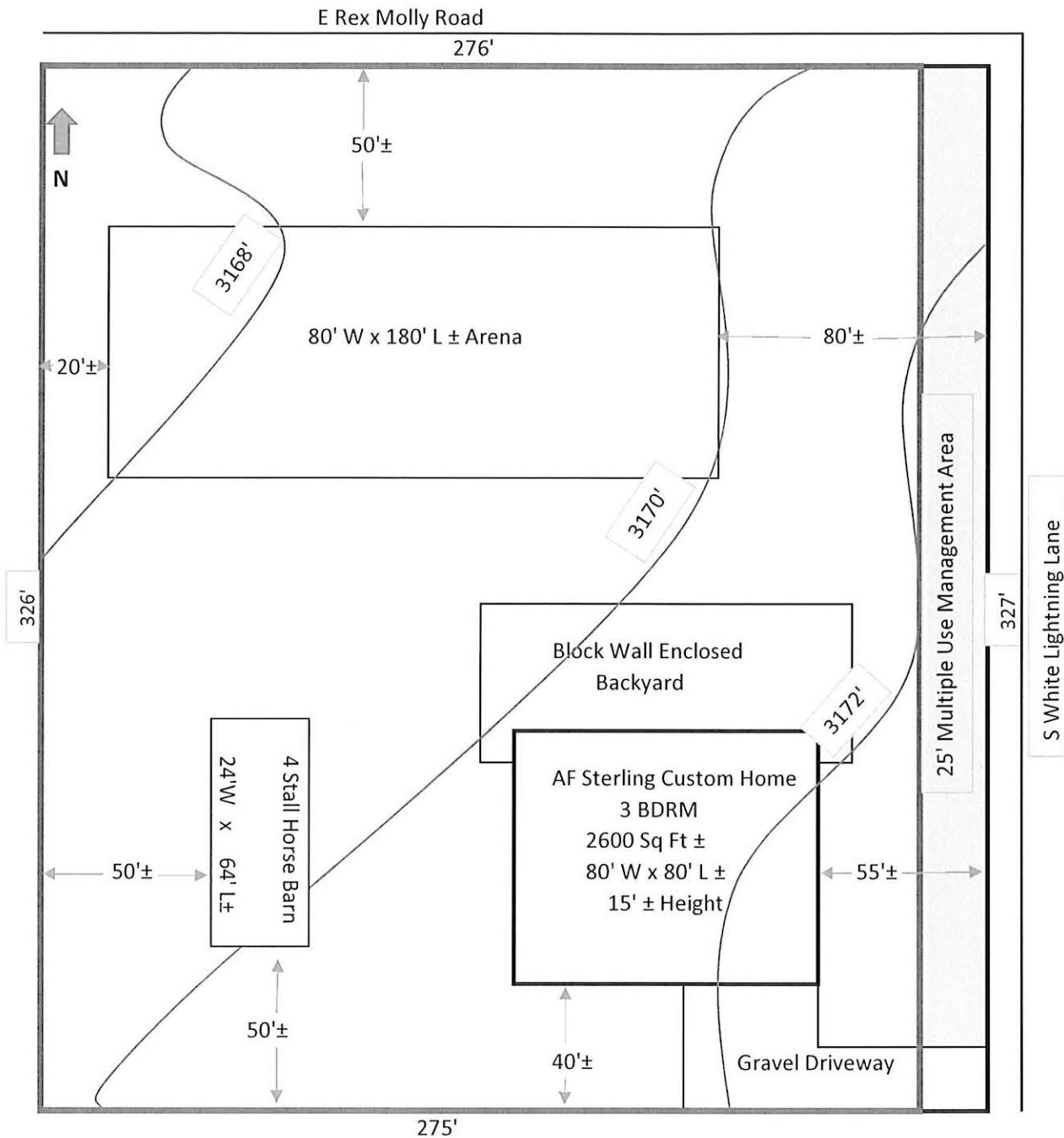
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SP 2.5 ac  
ds-November 25, 2020

P20CR00001  
305050690



# EXHIBIT B



13650 E Rex Molly Dr.  
Parcel # 305-05-0690  
Area = 2.5 Acres ±

\*Perimeter fence indicated by red line.