BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 10/19/2021

**= Mandatory, information must be provided*

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

***Title:**

Co12-72-92 SILVERBELL WEST (LOT 69) PLAT NOTE WAIVER

***Introduction/Background:**

The applicant requests a waiver of subdivision plat note #16 to allow a second dwelling on Lot 69. Plat note #16 states "no more than one dwelling unit shall be placed on each lot until such time as sewers are available."

***Discussion:**

The approximately 112-acre rezoning to SH was approved in 1971, followed by the Silverbell West Subdivision plat approved in 1973 with the plat note limiting the number of units until sewer disposal was available. Current Pima County Department of Environmental Quality regulations allow more than one dwelling unit on an acre lot with on-site septic waste disposal. The plat note is more restrictive than SH development standards, which allow two units on an acre lot.

***Conclusion:**

The addition of one residential unit on Lot 69 of Silverbell West Subdivision is reasonable given that the SH zone allows two residential units per 36,000 square feet. Lot 69 is approximately 43,560 square feet.

***Recommendation:**

Staff recommends APPROVAL with conditions.

***Fiscal Impact:**

0

***Board of Supervisor District:**

☐ 1 ☐ 2 ☑ 3 ☐ 4 ☐ 5 ☐ All

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

Contact: Donna Spicola, Planner Telephone: 520-724-9513

Department Director Signature: _____ Date: 9/27/21

Deputy County Administrator Signature: _____ Date: 9/27/2021

County Administrator Signature: _____ Date: 9/28/2021

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Sharon Bronson, Supervisor, District 3

FROM: Chris Poirier, Deputy Director Tom Drazowski
Public Works-Development Services Department-Planning Division

DATE: September 28, 2021

SUBJECT: **Co12-72-92 SILVERBELL WEST (LOT 69)**

The above referenced Plat Note Waiver is within your district and is scheduled for the Board of Supervisors' **TUESDAY, October 19, 2021** hearing.

REQUEST: For a **waiver of subdivision plat note #16**, to allow a second dwelling unit on the lot. The subject property is approximately one acre, zoned SH (Suburban Homestead) and located on the southeast corner of N. Hong Street and W. Hiram Drive, addressed as **12522 N. Hong Street.**

OWNER: David and Sarah Sabin
12522 N. Hong Street
Marana, AZ 85653

AGENT: Same

DISTRICT: 3

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of September 28, 2021, staff has not received any comments.

STAFF RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DS
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co12-72-92

FOR OCTOBER 19, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director Tom Drazewski
Public Works-Development Services Department-Planning Division

DATE: September 28, 2021

UNADVERTISED ITEM FOR PUBLIC HEARING

PLAT NOTE WAIVER

Co12-72-92 SILVERBELL WEST (LOT 69)

David and Sarah Sabin request a **waiver of subdivision plat note #16** for Lot 69 of the Silverbell West Subdivision Lots 1 thru 92 (Bk. 24, Pg. 70), which states, "No more than one dwelling unit shall be placed on each lot until such time as sewers are available." The applicant is requesting to place a second dwelling unit on the lot. The subject lot is approximately one-acre, zoned SH (Suburban Homestead) and located on the southeast corner of N. Hong Street and W. Hiram Drive, addressed as **12522 N. Hong Street**. Staff recommends **APPROVAL SUBJECT TO CONDITIONS**.
(District 3)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the plat note waiver to allow a second residence on Lot 69 without the availability of sewers, subject to the following conditions:

1. Transportation Conditions:
   A. The location and design of access point for the second dwelling unit shall be determined at time of building permitting.
   B. A right-of-way use permit shall be required for any improvement in the Pima County right-of-way.

The applicant will need to comply with standard requirements for permitting the use of on-site disposal (septic) systems, including design to accommodate the existing and proposed development, the primary and reserve leach fields and septic tanks, and the applicable setbacks

REQUEST OF APPLICANT

The applicant requests a waiver of plat note #16 of the Silverbell West Subdivision Plat in order to place a second dwelling unit on Lot 69. The parcel is approximately one acre and zoned SH (Suburban Homestead). The applicant states that the second dwelling unit is for a family member.

PLANNING REPORT

The area of the subdivision plat was rezoned to SH in 1971. A subdivision plat, Silverbell West Lots 1-92, comprising of one-acre lots, was recorded in 1973 (Bk. 24, Pg. 70). On the recommendation of Pima County's then-existent Sanitation Department, plat note #16 was added to limit the subdivision to one dwelling per lot until sewers became available.

Staff has no objection to granting of the waiver since the purpose of the note was to ensure compliance with sanitation standards as they existed in the 1970s. Current Department of Environmental Quality standards allow more than one unit on an acre lot subject to limitations which may include maximum amounts of daily sewage disposal.

The Board of Supervisors has approved waivers of plat note #16 for 24 lots within the subdivision. The most recent approval was for Lot 28 on March 16, 2017. At that time, the nearest public sewer was approximately 1.75 miles north of the subdivision, at the intersection of Luckett Road and Trico-Marana Road. Since then the Town of Marana has acquired responsibility for sanitary sewer service for the area of the subdivision plat and it appears that public sewer also exists approximately two miles to the northwest at the intersection of Sanders Road and Moore Road. As of the writing of this report, the town has not responded to staff's request for comment. Town of Marana jurisdiction is approximately one-quarter mile to the east and south of the subdivision.

The plat note is more restrictive than SH zoning, which allows two residences per 36,000 square feet; however, the SH zone restricts manufactured and mobile homes to a maximum of two per parcel, irrespective of the size of the parcel.

The SH zoning density—of the subdivision conflicts with the Medium Intensity Rural Comprehensive Plan designation of the site, which calls for a maximum density of 1.2 residences per acre, or one residence per 36,000 square feet. The site was rezoned prior to the adoption of the Comprehensive Plan in 1992 and the 2015 Plan Update. All roads within the subdivision are paved and County maintained, as is Silverbell Road which provides access to the site.

RH (Rural Homestead) zoning surrounds the subdivision and is undeveloped desert. The RH zoning is a Receiving Area for Transfer of Development Rights. State land exists to the west.

The proposed sketch plan for the subject 1.0-acre lot shows the proposed second dwelling located 15 feet from the east side yard which complies with the minimum 10-foot side yard setback requirement for the SH zone.

Public notice is sent to all property owners within the subdivision and all properties within 300 feet of the subdivision. No public comment has been received to date on the subject request. The applicant should note that a property owner within the subdivision may privately enforce the plat note, even if the Board of Supervisors grant the waiver. Staff's review of original deed restrictions (Book 5140, Page 528) for the subdivision found no restrictions relative to the number of dwellings on a lot. Staff does not know if there have been amendments to the CC&R's.

TRANSPORTATION

The Pima County Department of Transportation has no objection to this request and recommends approval subject to rezoning conditions #1A-B.

The Silverbell West subdivision is located north of W. Silverbell Road. The most recent traffic counts for W. Silverbell Road is 900 average daily trips (ADT) with an approximate capacity of 9,940 ADT. Allowing a second dwelling unit would not have an adverse impact on the adjacent roadway system.

The site plan does not indicates the location of the driveway. Therefore, it should be determined at the time of building permit for the second dwelling unit.

FLOOD CONTROL
The Pima County Regional Flood Control District has reviewed the request and has no objection.

ENVIRONMENTAL QUALITY
The Pima County Department of Environmental Quality has reviewed the request and has no additional conditions.

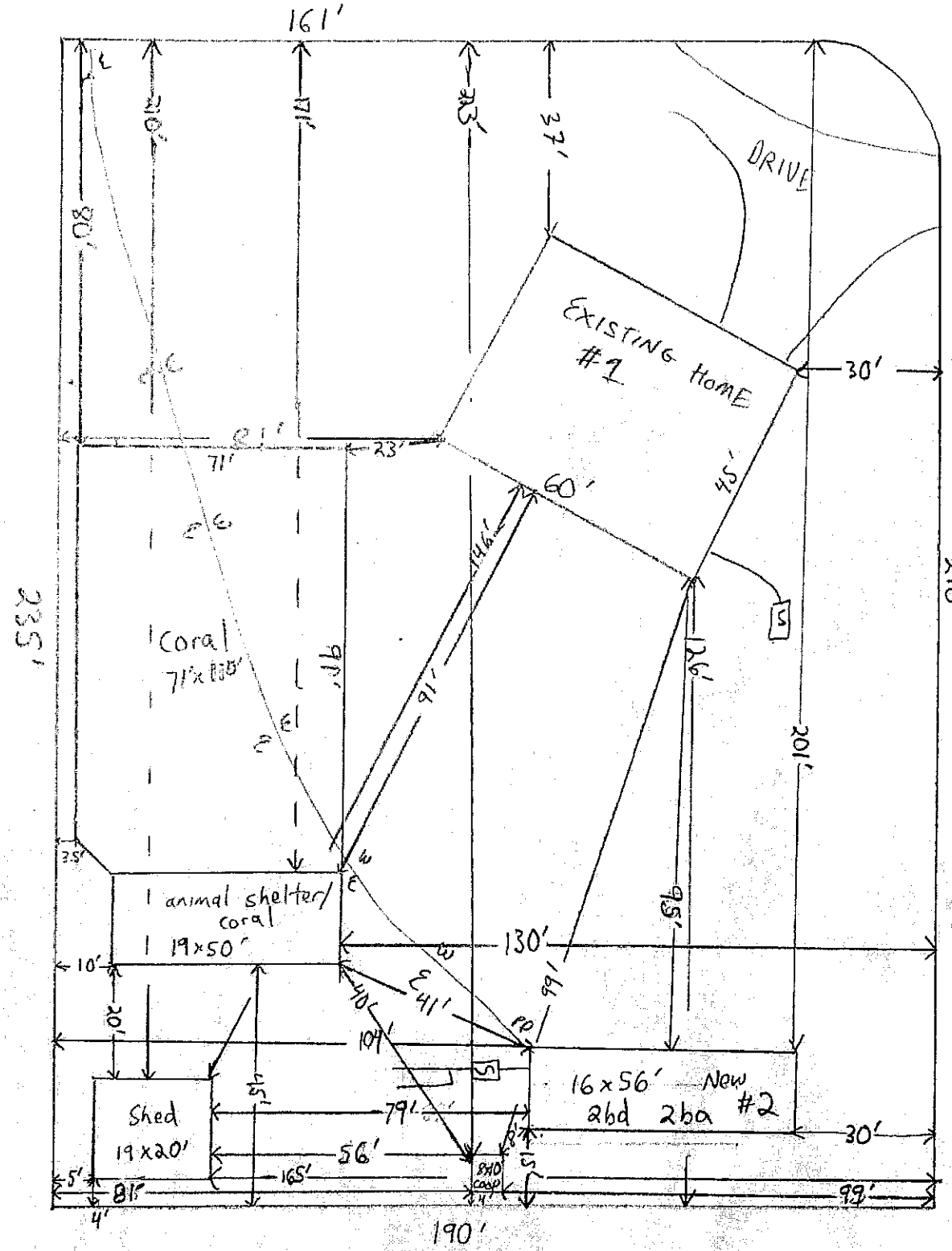
TOWN OF MARANA
The Town of Marana has no comment.

TD/DS
Attachments

c: David and Sarah Sabin, 12522 N. Hong Street, Marana, AZ 85653

DAVID SABIN
12502 N. Hong St
Marana, AZ 85653
APN# 217-47-0690

HONG ST

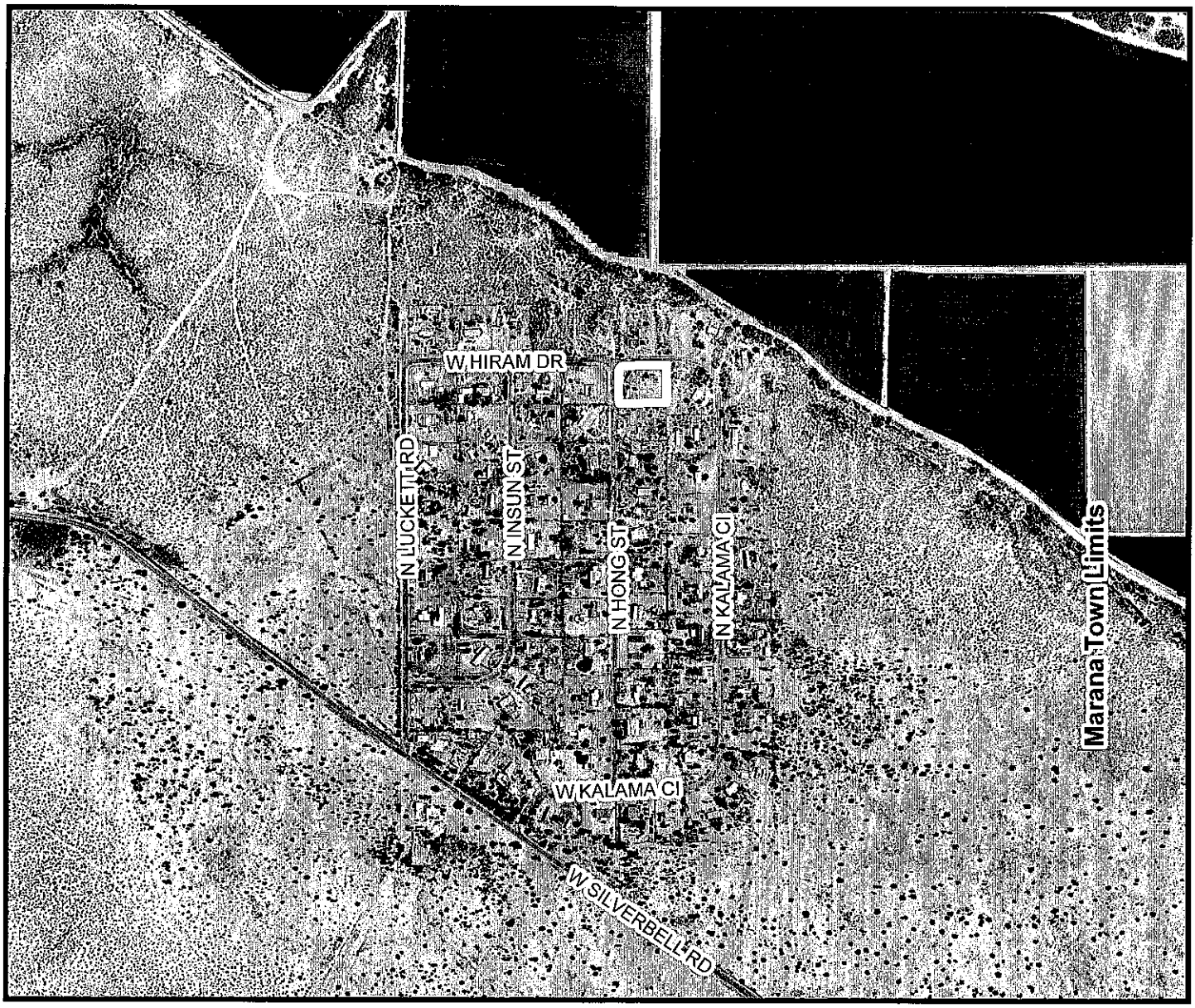


1" = 30'

size	Dimensions	structure distance FROM TO → in feet	structures						property lines			
			HOME #1	New home #2	Coral	Shed	animal shelter	chicken coop	front	hongst side	Hiram Dr side	E. rear
2700 sqft	60 x 45'	HOME #1	X	95	23	146	91	99	37	30	81	126
896 sqft	16 x 56'	New HOME #2		X	41	79	41	8	201	30	104	15
7810 sqft	71 x 110'	Coral			X	20	0	40	80	130	35	45
380 sqft	19 x 20'	Shed				X	20	56	210	165	5	4
950 sqft	19 x 50'	animal shelter					X	40	171	130	10	45
80 sqft	8 x 10'	chicken coop						X	223	99	81	4

Case #: Co12-72-92
Case Name: SILVERBELL WEST (LOT 69)
Tax Code(s): 217-47-0690

AERIAL EXHIBIT



0 320 640 1,280 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

Ref Case #: P21SA00011

Map Scale: 1:9,000

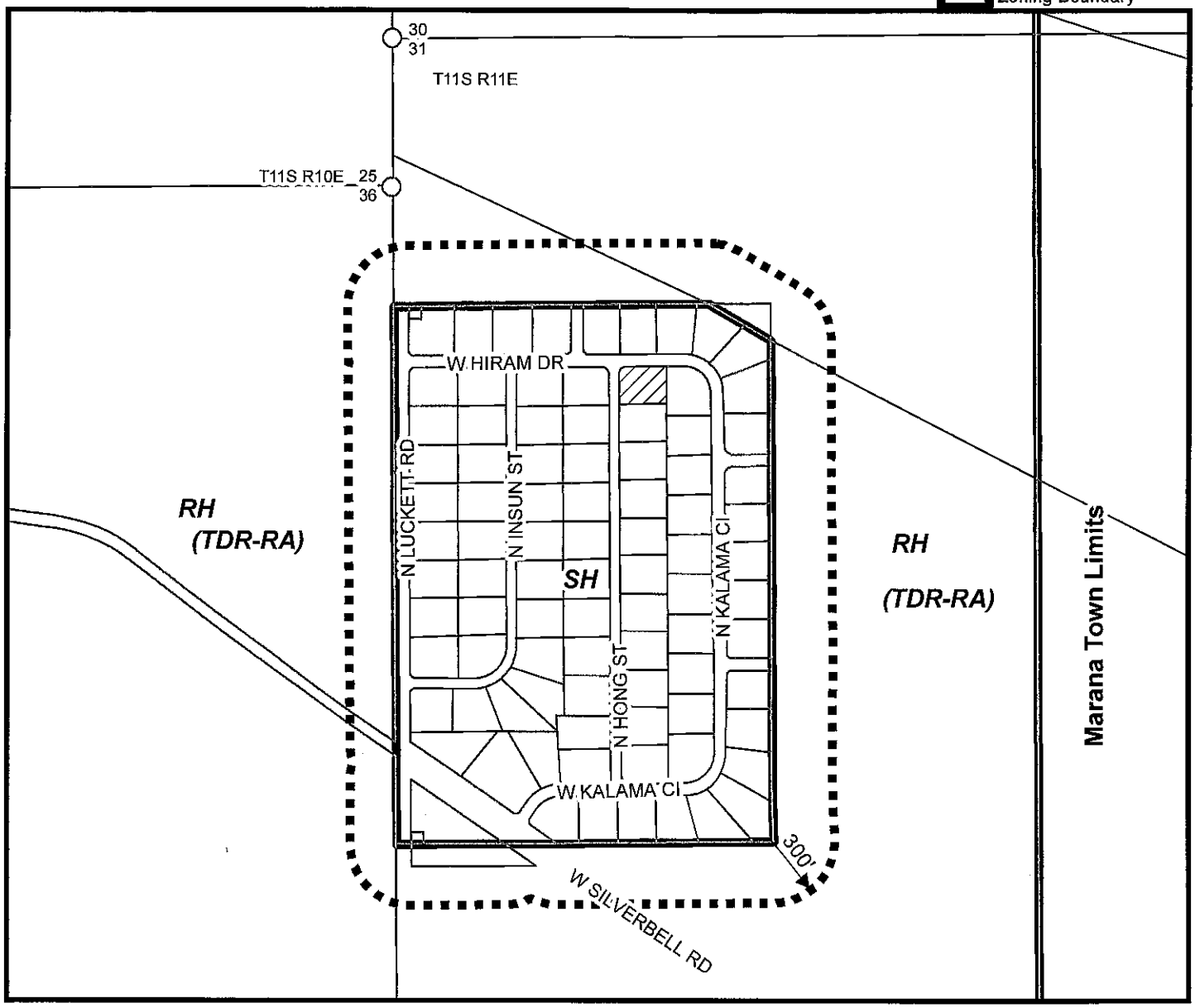
Map Date: 9/21/2021 - ds

N W E S

Case #: Co12-72-92
Case Name: SILVERBELL WEST (LOT 69)
Tax Code(s): 217-47-0690

300' Notification Area
Subject Property
Zoning Boundary

PLAT NOTE WAIVER



0 320 640 1,280 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

Ref Case #: P21SA00011

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Board of Supervisors Hearing: 10/19/21

Base Map(s): 274 | Map Scale: 1:9,000 | Map Date: 9/10/2021 - ds

N W E S

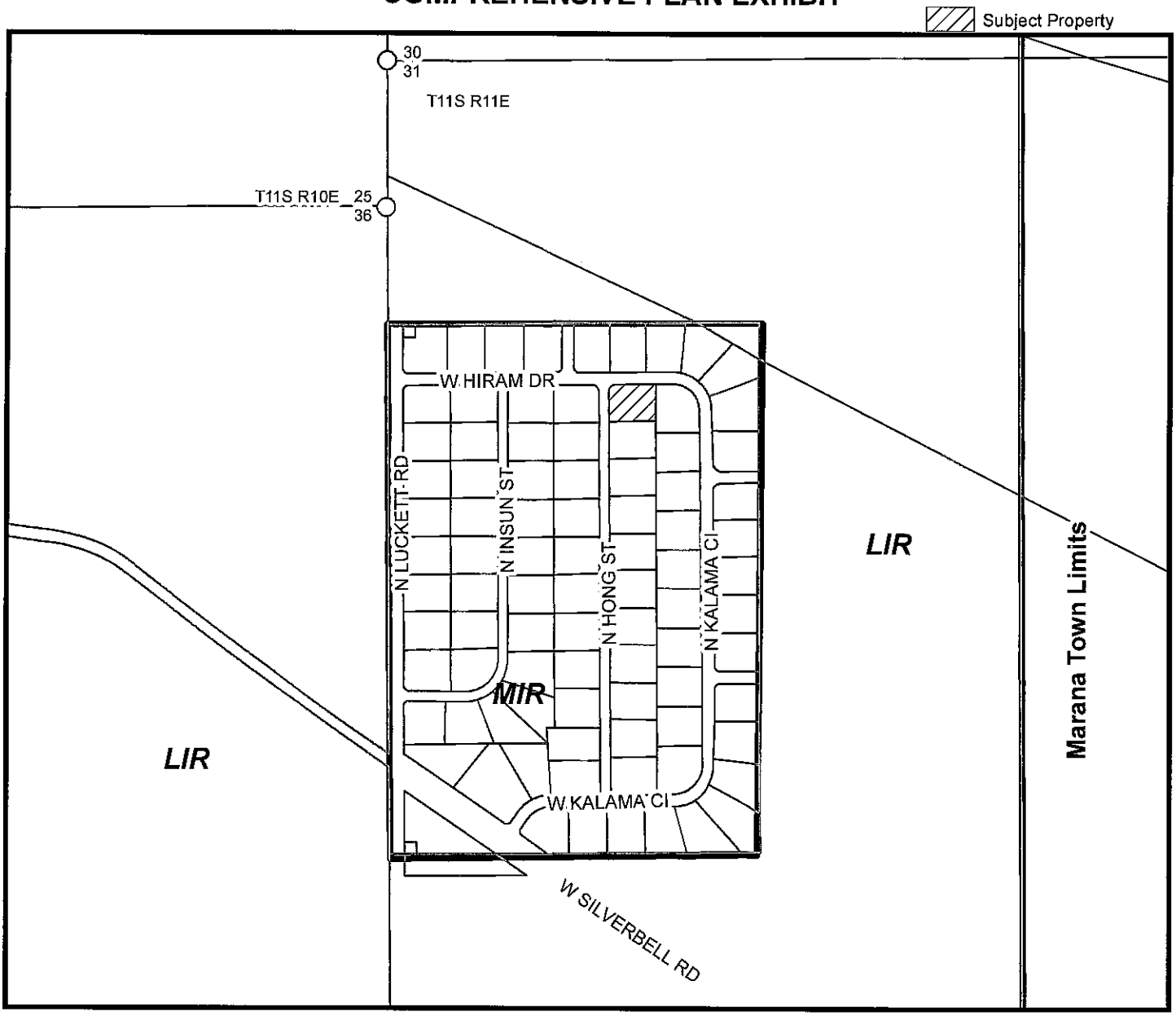
Medium Intensity Rural (MIR)

Objective: To designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials or suburban areas.

- Residential Gross Density: Minimum- none; Maximum- 1.2 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 1.2 RAC

Case #: Co12-72-92
Case Name: SILVERBELL WEST (LOT 69)
Tax Code(s): 217-47-0690

COMPREHENSIVE PLAN EXHIBIT



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

Ref Case #: P21SA00011

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:9,000

Map Date: 9/21/2021 - ds

N
W E
S

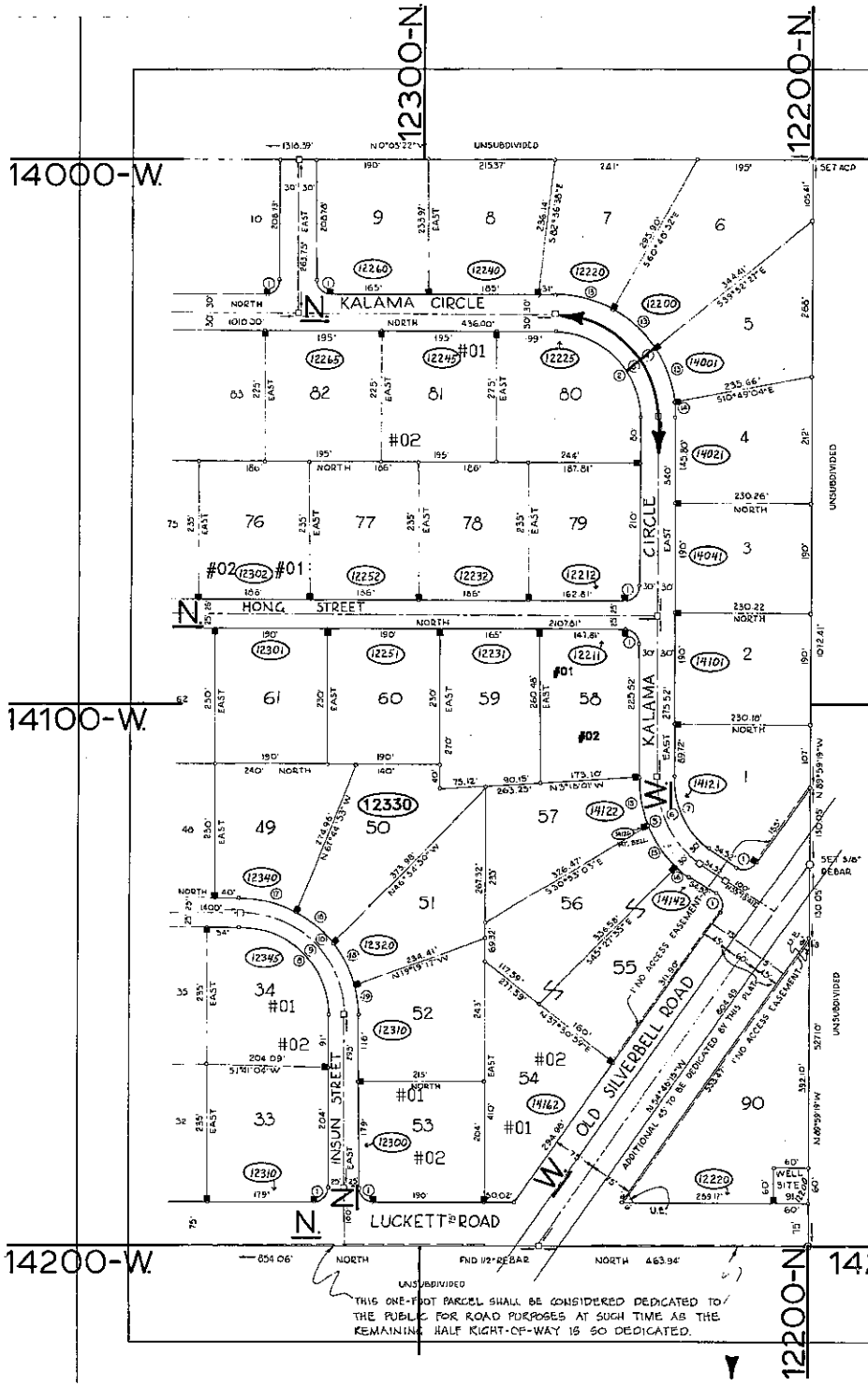
SILVERBELL WEST

MP 24070

RECORDED: FEBRUARY 13, 1973

*** THE FOLLOWING PLAT IS AN ANNOTATED VERSION OF THE ORIGINAL DOCUMENT. IT HAS BEEN ALTERED BY PIMA COUNTY DEVELOPMENT SERVICES TO SHOW ADDITIONAL INFORMATION. ORIGINAL COPIES MAY BE OBTAINED FROM THE PIMA COUNTY RECORDER***

BOOK 24 PAGE 70



THIS ONE-FOOT PARCEL SHALL BE CONSIDERED DEDICATED TO THE PUBLIC FOR ROAD PURPOSES AT SUCH TIME AS THE REMAINING HALF RIGHT-OF-WAY IS SO DEDICATED.

SCALE: 1" = 100'

CURVE TABLE

NO.	Δ	R	T	L	C
1	90°00'00"	25.00	25.00	39.27	35.35
2	90°00'00"	145.00	145.00	227.76	205.06
3	90°00'00"	175.00	175.00	322.01	289.91
4	90°00'00"	205.00	205.00	274.89	247.46
5	54°46'15"	205.00	106.20	195.96	188.59
6	54°46'15"	175.00	90.65	167.29	160.99
7	54°46'15"	145.00	75.11	138.61	133.39
8	90°00'00"	150.00	150.00	235.62	212.13
9	90°00'00"	175.00	175.00	274.89	247.49
10	90°00'00"	200.00	200.00	314.16	282.84
11	13°55'28"	205.00	25.15	50.00	49.87
12	31°01'24"	205.00	56.90	111.00	109.65
13	27°56'37"	205.00	51.02	100.00	99.01
14	6°09'05"	205.00	11.06	22.01	21.99
15	23°45'24"	205.00	43.12	85.00	84.39
16	7°15'20"	205.00	13.00	25.96	25.92
17	28°38'52"	200.00	51.07	100.00	98.96
18	23°50'51"	200.00	41.63	82.08	81.51
19	14°19'26"	200.05	25.15	50.00	49.87

CERTIFICATION OF SURVEY

I HEREBY CERTIFY THAT THE SURVEY OF THE LAND SHOWN ON THIS PLAT HAS BEEN COMPLETED UNDER MY DIRECTION AND ALL MONUMENTS EXIST AS SHOWN OR THAT A BOND HAS BEEN POSTED FOR THEIR EVENTUAL INSTALLATION

PAUL KIENOW
REG PROF ENGR. "7545"

DEDICATION

WE, THE UNDERSIGNED HEREBY WARRANT THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SHOWN ON THIS PLAT AND WE CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOWN ON THIS PLAT. WE HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL ROADS, STREETS AND EASEMENTS AS HEREON SHOWN. WE, THE UNDERSIGNED OUR SUCCESSORS AND ASSIGNS, DO HEREBY SAVE PIMA COUNTY, ITS EMPLOYEES, OFFICERS, AGENTS, SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF THESE LANDS, NOW AND IN THE FUTURE, BY REASON OF FLOODING, FLOWAGE EROSION OR DAMAGES CAUSED BY WATER, WHETHER SURFACE FLOOD OR RAINFALL NATURAL DRAINAGE SHALL NOT BE ALTERED, DISTURBED OR OBSTRUCTED WITHOUT APPROVAL OF THE COUNTY BOARD OF SUPERVISORS UTILITY EASEMENTS AS SHOWN HEREON ARE DEDICATED FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UTILITIES AND SEWERS. A ONE-FOOT NO ACCESS EASEMENT IS HEREBY DEDICATED AS SHOWN HEREON.

STEWART TITLE AND TRUST OF TUCSON, AN ARIZONA CORPORATION, UNDER TRUST No 0871 AS TRUSTEE ONLY AND NOT IN ITS CORPORATE CAPACITY.

BY: _____
FRANK McELWAIN

STATE OF ARIZONA
COUNTY OF PIMA

ON THIS THE 1st DAY OF _____, 19__, BEFORE ME APPEARED FRANK McELWAIN WHO ACKNOWLEDGED HIMSELF TO BE THE TRUST OFFICER OF STEWART TITLE AND TRUST OF TUCSON AND THAT HE, AS SUCH OFFICER, BEING AUTHORIZED TO SO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF AS TRUST OFFICER.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

APPROVALS

ELSA B. HANNA, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA ON THIS 6th DAY OF FEBRUARY, 1973.

CLERK, BOARD OF SUPERVISORS	2/15/73 DATE
DA DICICCO, COUNTY ENGINEER	2/9/73 DATE
PIMA COUNTY PLANNING DIRECTOR	2-13-73 DATE
PIMA COUNTY DEPT. OF SANITATION	2-7-73 DATE

MAP 274
ZONE SH
ONLY ONE UNIT PER LOT UNTIL SEWERS AVAILABLE

SEE SHEET 2 FOR GENERAL NOTES

ANNOTATED COPY

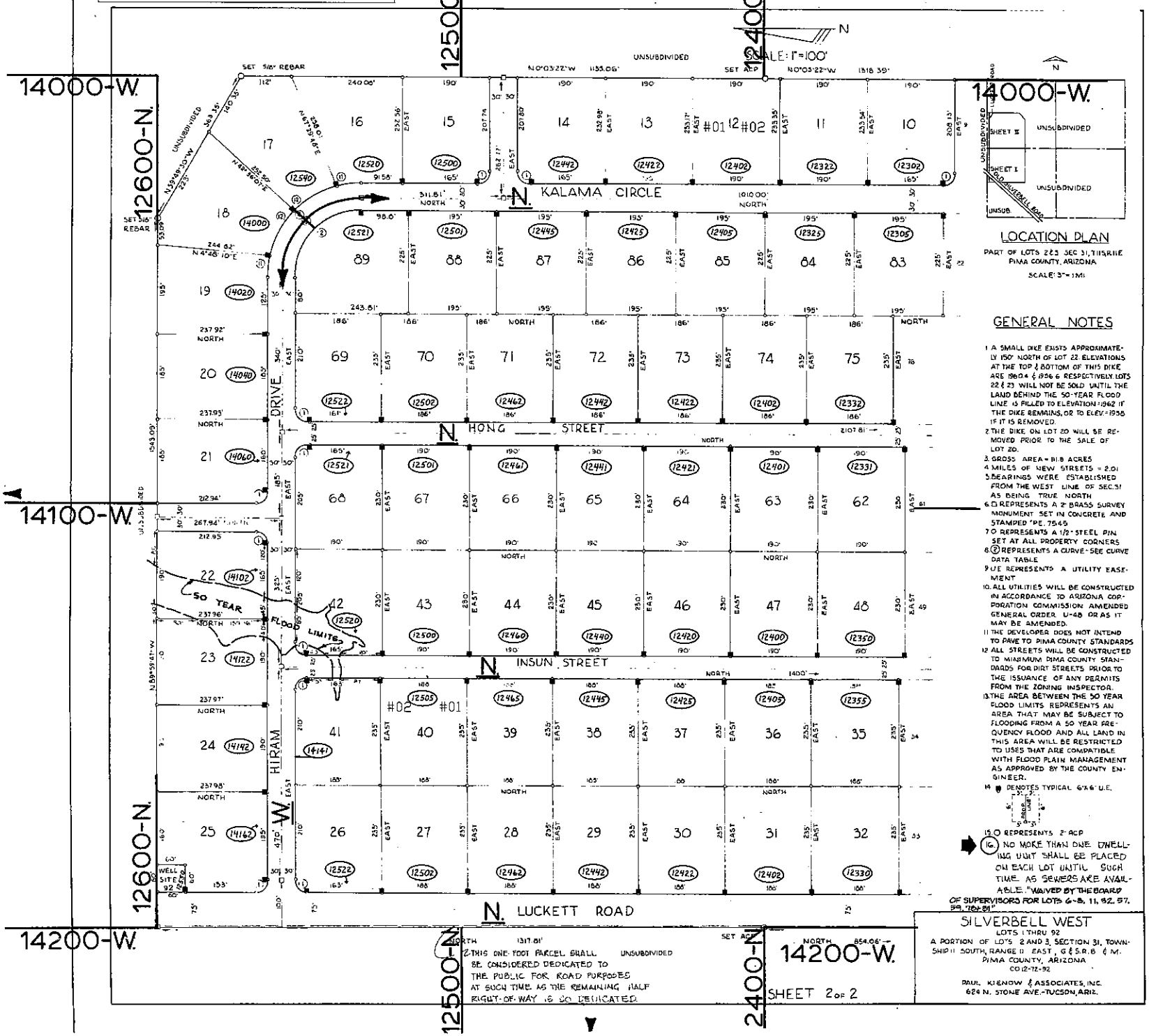
SEE LETTER(S) DATED JAN. 31, 1978 CONCERNING FLOOD PLAINS FOR LOTS 18, 19, 20, 22, 23, 842.

SILVERBELL WEST
LOTS 1 THRU 92
A PORTION OF LOTS 2 AND 3, SECTION 31, TOWNSHIP 11 SOUTH, RANGE 11 EAST, G&S.R.B. & M.
PIMA COUNTY, ARIZONA
C012-72-92

PAUL KIENOW & ASSOCIATES, INC.
624 N. STONE AVE.-TUCSON, ARIZ.

SHEET 1 OF 2

ANNOTATED COPY



PIMA COUNTY

DEVELOPMENT SERVICES

201 N. Stone Avenue, Tucson, AZ 85701
(520) 724-9000
www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

Project ID *(case no., APN no., address, or other identifying info):*

Sarah & David Sabin, 12522 N Hong, Special Action to waive plat note for 1 dwelling per lot in SH zone

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) NA
   Important Riparian Area
   Biological Core
   Multi-Use Management Area

2. Is the project within a CLS Special Species Management Area? No
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? Yes
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? No
5. Is the project located within a Priority Conservation Area for any of the following species?
   a. Cactus ferruginous pygmy-owl: No
   b. Western burrowing owl: Yes
   c. Pima pineapple cactus: No
   d. Needle-spined pineapple cactus: No

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No
   If yes, provide a summary of those communications:

2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?
Contact the Office of Sustainability and Conservation at (520) 724-6940.

To Board of Supervisors
Special Action Request
For plat note waiver

Letter of request for a Special Action before the Board of Supervisors to waive the plat note on the Silverbell West subdivision plat of 1973, which restricts lots to one unit until sewers are available. I am requesting a second dwelling on our one-acre parcel, which permits two dwellings per acre under the SH Suburban Homestead zone.

Owner information:

David and Sarah Sabin
12522 N Hong St
Marana AZ, 85653
520-437-4939
dacboy@gmail.com

Property information:

one-acre
12522 N Hong St
Marana AZ, 85653
Silverbell West subdivision plat

Attached is:

Biological Impact Report
Site Plan