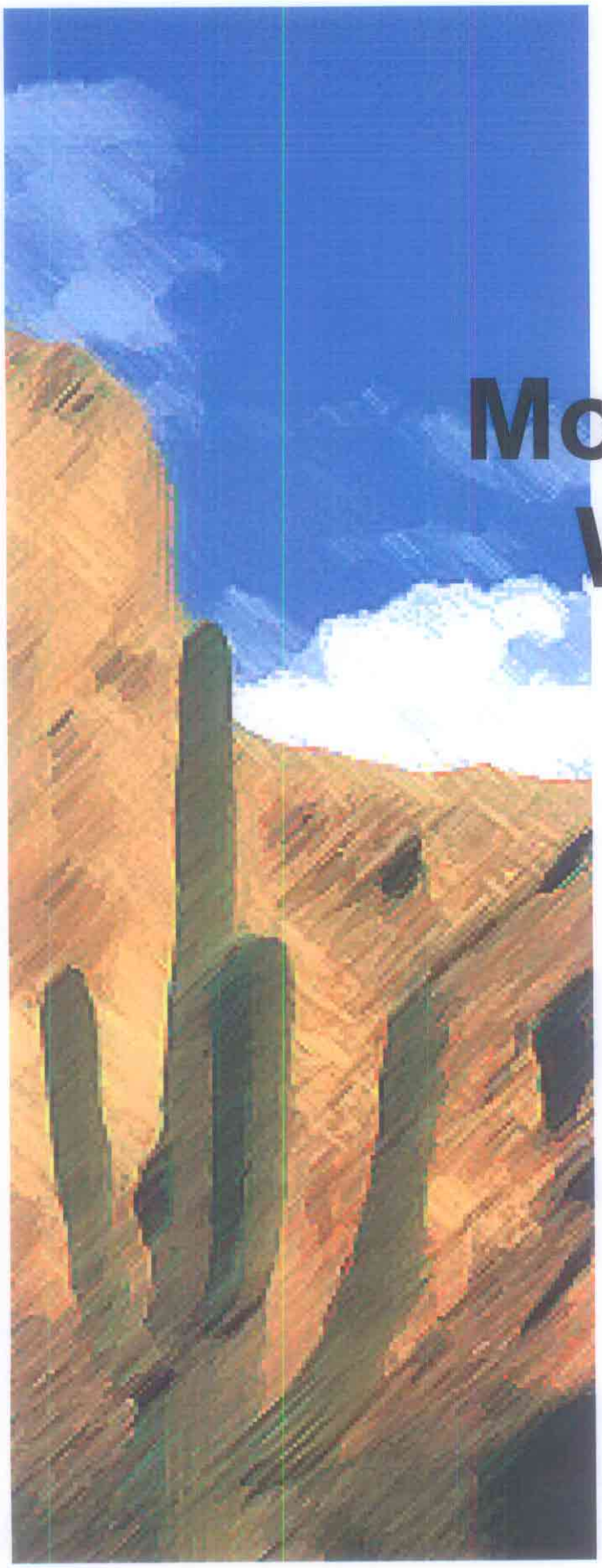

Minor Modification Workbook

Application Process
Modification Categories
Standards Form
Submittal Requirements Form
Application Form

Revised October 7, 2009

Hillside Development Manual

MINOR MODIFICATIONS

18.61.057A. The Planning Official may grant minor modifications not exceeding ten percent (10%) of the area, height and width requirements of the Development Mitigation and Performance Standards.

Minor Modifications may be granted for the following development mitigation and performance standards:

18.61.054. Grading Requirements

C. The total area of all grading shall conform with the grading requirements in the Grading Requirements Table 18.61.054-1 except as modified by other provisions in Section 18.61.054:

Grading Requirements Table 18.61.054-1

Development Category	Parcel/Lot Size Per Dwelling Unit	Grading Calculations	Maximum Grading
Single detached dwelling units (indiv. graded lots)	< 20,000 sq. ft.	50% of the lot	50% of the lot
Single detached dwelling units (indiv. graded lots)	20,000 sq. ft. to 43,560 sq. ft **	10,000 sq. ft., or 40% of lot, whichever is greater	10,000 – 17,424 sq. ft.
Single detached dwelling units (indiv. graded lots)	>43,560 sq. ft. to 72,000 sq. ft.	17,425 sq. ft., or 30% of lot, whichever is greater	17,425 – 21,600 sq. ft.
Single detached dwelling units (indiv. graded lots)	>72,000 sq. ft. to 144,000 sq. ft.	26,601 sq. ft., or 17% of lot, whichever is greater	21,601 – 24,480 sq. ft.
Single detached dwelling units (indiv. graded lots)	>144,000 sq. ft. to 180,000 sq. ft	24,481 sq. ft., or 15% of lot, whichever is greater	24,481 – 27,000 sq. ft.
Single detached dwelling units (indiv. graded lots)	>180,000 sq. ft.	27,001 sq. ft., or 10% of lot, whichever is greater	27,001 sq. ft

** minimum lot size: cluster option and standards in riparian areas have their own set-aside calculations

18.61.054G. Individually Graded Lots:

3. Cut and Fill Requirements... (see HDZ ordinance for complete text).
4. Grading shall not extend more than six feet (6') horizontally... (see HDZ ordinance).
5. Additions and Expansions... (see HDZ ordinance).
6. Freestanding walls and retaining walls not a part of a building... (see HDZ ordinance).
7. Mitigation of walls and riprap... (see HDZ ordinance).
8. Riprap placement... (see HDZ ordinance).

18.61.054H. Mass-graded residential subdivisions:

3. Perimeter Exposed Fill Slopes and Perimeter Walls... (see HDZ ordinance).
4. A Hillside Bufferyard... (see HDZ ordinance).

3-mmCATEGORIES.doc

SUBMITTAL REQUIREMENTS: MINOR MODIFICATION TO HDZ DEVELOPMENT MITIGATION AND PERFORMANCE STANDARDS

The following requirements apply to a request for a Minor Modification to the Requirements of the Hillside Development Zone (HDZ) Ordinance Chapter 18.61:

PREAPPLICATION MEETING: Schedule a meeting with the Planning Official's representative (hereinafter referred to as "staff") to review the nature of the request and the submittal requirements prior to preparing the application package. The pre-application meeting with staff is required as a condition of submittal.

The Pre-application Meeting was conducted on _____ by _____
Date *Signature of staff conducting the meeting*

Applicant Contact Name: _____

Phone: _____ Email: _____

Others Attending the Pre-application Meeting: _____

Owner Name: _____ Phone: _____

Parcel(s) Identifier (Address & Tax Code, or Subdivision Name & Lot #): _____

_____

ALL SUBMITTALS SHALL INCLUDE THE FOLLOWING (items 1 thru 6):

1. A completed and signed Application on a Pima County Minor Modification Application form;

2. An application fee of $464 payable to Pima County Treasurer (not refundable even if the modification is not approved).

3. A request letter from the applicant who shall be the property owner or an agent authorized to represent the property owner in this matter. The letter shall be dated and signed by the applicant or his authorized representative. State the nature of the request and cite the subsection for which the applicant is requesting a minor modification. State the rationale for the request, why you can't comply with the development standard, and any hardship or inconvenience that the development standard creates that will be eliminated by the granting of the request.

4. Completed Standards for Evaluating Minor Modifications Form.

5. Assessor's map showing boundaries of subject parcel and all abutting properties and owners within 100 feet when separated by a road or common area.

6. Type 1 or Type 2 grading plan, maximum 24" x 36" size, as required by Chapter 18.81 Grading Standards and depicting the boundaries of 15% and 25% slopes, required natural areas, the location of all existing structures, if any, and the location of all proposed development to include adjacent streets or roadway, access (i.e. drives) and parking (if applicable), distances from structures to property lines and distance between structures, labeled property lines & label "front" property line, a grading limits line that is labeled "grading limits line" and represented by a line symbol that is distinct from other line symbols and with a heavier line weight than other line symbols; when riprap is proposed, the slope ratio of the riprap areas shall be shown, for instance 3:1, 4:1. Riprap is not permitted on slopes with a ratio of less than 3:1, for instance 2:1. **The plan shall demonstrate the impact of the proposed modification.**

SUBMITTAL REQUIREMENTS: MINOR MODIFICATION TO HDZ DEVELOPMENT MITIGATION AND PERFORMANCE STANDARDS

ADDITIONAL REQUIREMENTS (items 7 thru 13) may be added by staff at the Pre-application meeting or after staff's first review of the application to more clearly demonstrate existing conditions and the description, location and impact of the proposed modification:

7. Scale and Contour Interval: The area of the grading plan affected by the minor modification shall be shown at a scale no smaller than 1" = 20' with 2 foot contours, maximum 10' contours for the ungraded part of the site and show proposed cuts/fills and corresponding contour modifications;

8. Additional Grading Plan or Site Plan Information within and adjacent to the area of the modification:
   - ❑ floodplain, floodway, & erosion hazard setback boundaries,
   - ❑ exposed rock outcroppings,
   - ❑ protected peaks and ridge boundaries,
   - ❑ boundaries of County mapped environmentally sensitive features, riparian habitat, native plant groves and concentrations, the location of all trees 4" + caliper, and all protected native plants to include all saguaro 1'+ in height,
   - ❑ Other: _____

9. A Revegetation Plan (including rip rapping) showing existing vegetation, graded areas to be revegetated, manner of revegetation and revegetation in the area affected by the modification. (May be included on same sheet as grading plan)

10. Cross Sections, Elevations, And/or Site Plan to include the following features: _____

11. Aerial Photo: sufficiently current to accurately show existing site conditions at a scale no smaller than 1" = 60. Site boundaries shall be described on the aerial.

12. Photos: 3"x5" or 4"x6" eye-level, fine quality, clear resolution color photos along with a photo location reference map or show the photo locations on the site plan.

13. Other submittal requirements: _____

SUBMITTAL FORMAT: Provide 1 copy of all 8½" x 11" documents, and provide 3 copies of larger documents (maximum 24" x 36" size) folded to 8½" x 11".

MY APPLICATION SUBMITTAL HAS BEEN PREPARED IN CONFORMANCE WITH THE SUBMITTAL REQUIREMENTS ON THIS FORM.

_____ _____

Signature of applicant *Date*

By initialing this blank_____, I am acknowledging that I am both the applicant and the owner of the subject parcel(s).

5-mmSUBMITLISTa.DOC (revised October 1, 2010)

MINOR MODIFICATION APPLICATION PROCESS

(revised October 7, 2009)

To apply for a minor modification of a Hillside Development Standard contact the following **Planning Official Representative** or their designated representative (hereinafter referred to as **"Staff"**) at 201 N. Stone:

STEP 1. PREAPPLICATION MEETING: The applicant attends a Pre-application Meeting with Staff during which (a) staff confirms if the proposed request is a minor modification category (see attached Minor Modification Categories list), (b) Staff completes the submittal requirements list and confirms that the applicant has received an application form and all applicable documents.

STEP 2. APPLYING FOR A MODIFICATION: Submit a completed and signed application accompanied by all items required by the Submittal Requirements Check List. **Note: Incomplete applications will not be processed.**

STEP 3. STAFF REVIEW: Staff reviews the application to confirm that all submittal requirements and the standards for Minor Modification have been met. These standards, as outlined in the Pima County Zoning Code are: "... *The applicant's demonstration to the satisfaction of the Planning Official that the proposed alternative complies with the purpose of the HDZ chapter (6 purpose provisions of Section 18.61.010) and the Criteria for evaluating Minor Modifications in the Hillside Development Manual...*". Criteria in the Hillside Development Manual includes the following:

1. The modification will not substantially reduce the amount of privacy that would be enjoyed by nearby residences.
2. Significant views of prominent landforms, specimen native plant vegetation and riparian habitat, or parks from nearby properties will not be additionally obstructed by the granting of the modification.
3. Traffic safety or visibility on adjoining streets will not be adversely affected.
4. Drainage from on-site will not adversely affect adjoining properties and public rights-of-way.
5. Riparian habitat, native plant communities, and specimen trees and cacti, significant rock outcroppings and land forms, peaks and ridges, and other high resource value site features will not be damaged by the granting of the modification.
6. The proposed alternative mitigates the visual and environmental impact of the proposed modification.

STEP 4. DECISION: Within 5 working days after receipt of the application, staff will approve, approve with conditions, deny the request, or return the request to the applicant if additional information or a revision is required. In the event that an application includes a request for 2 or more minor modifications, staff review may take longer. If one or more of the submittal requirements, criteria, or standards are not met, staff may deny the application.

STEP 5. DECISION LETTER: A confirming memo or letter stating staff's decision will be mailed, faxed, or emailed to the applicant.

STEP 6. APPEAL: The applicant may submit a written appeal of the denial or conditions of approval to the Planning Official. The Planning Official or his appeal representative shall review and act on the appeal within 3 working days after the Planning Division's receipt of the appeal. In the event that an appeal is for more than 1 denied minor modification, the review may take longer than 3 days. There is no appeal of the Planning Official's action.

2 mmPROCESSa.doc

STANDARDS FOR EVALUATING MINOR MODIFICATIONS FOR HDZ DEVELOPMENT

In the spaces provided below, explain the reasons why the proposed modification meets each of the seven review criteria. The application cannot be processed without this information. Answer each question using full sentences. You may attach a separate sheet if necessary.

1. Compliance with the 6 purpose provisions in Section 18.61.010._____
_____
_____
_____
_____

2. The modification will not substantially reduce the privacy that would be enjoyed by nearby residences. _____
_____
_____

3. Significant views of prominent landforms, specimen native plant vegetation and riparian habitat, or parks from nearby properties will not be additionally obstructed by the granting of the modification. _____
_____
_____

4. Traffic safety or visibility on adjoining streets will not be reduced._____
_____
_____

5. Drainage from on-site will not increase runoff or erosion on adjoining properties and public rights-of-way as a result of the modification. _____
_____
_____

6. Riparian habitat, native plant communities, and specimen trees and cacti, significant rock outcroppings and land forms, peaks and ridges, and other high resource value site features will not be damaged by the granting of the modification. _____
_____
_____

7. The proposed alternative mitigates the visual and environmental impact of the proposed modification. _____
_____
_____

NOTE: If one or more of these standards cannot be met, county staff may deny the application. The applicant may submit a written appeal of the denial to the Planning Official. The Planning Official or his designated representative shall act on the appeal within 3 working days after the Planning Division's receipt of the appeal.

APPLICATION FOR MINOR MODIFICATION OF HDZ DEVELOPMENT STANDARDS

(Please print or type)

Owner: _____ Phone: _____ Email: _____

Mailing Address: _____ Zip: _____

Applicant: _____ Phone: _____ Email: _____

Mailing Address: _____ Zip: _____

Property Address:

_____

Tax Code: _____ Lot Number_____ Subdivision Name_____

1. Provide the Zoning Code Subsection Number(s) for which a Minor Modification(s) is being requested *(NOTE: see subsection numbers in the Modification Categories list in the application documents):*

#1_____ #2_____ #3_____

2. Minor Modification #1: State the specific development standard requirement for which a minor modification is being requested, and state the specific amount of the request not to exceed ten percent (10%) of the requirement. For 2 or more minor modifications attach a supplemental sheet(s):

_____

_____

PROVIDE THE FOLLOWING INFORMATION FOR THE SUBJECT SITE:

3. Has site grading or construction activity taken place within the last 12 months? YES NO

4. Has an application for an HDZ exception, a variance, or a modification of setback requirements (MSR) been requested or approved within the last 12 months? YES NO

If yes to any of the above, provide single copies of the submitted application form(s) and the county case number(s) _____. *If approved, provide a copy of the county action, decision letter, or county approved plan(s).*

5. Has a building or grading permit been requested or issued within the last 12 months? YES NO If yes, provide the county permit number(s) _____

6. Has the property been cited for a zoning enforcement or building code complaint and/or violation within the last 12 months? YES NO If yes, give the number of the compliant or violation _____. Provide a copy of the citation and the county action or decision letter, if any.

NOTE: IF THERE IS AN ENFORCEMENT COMPLAINT AND/OR VIOLATION ON THE PROPERTY, A MINOR MODIFICATION APPLICATION WILL BE REVIEWED ONLY UNDER THE FOLLOWING CONDITIONS:

- After the Enforcement Complaint And/or Violation Has Been Resolved to the Satisfaction of the County, OR
- When a Minor Modification Is Required to Resolve the Complaint or Violation as Determined by the Zoning Inspector or Hearing Officer.

APPLICATION FOR MINOR MODIFICATION OF HDZ DEVELOPMENT STANDARDS

The following documents are attached:

- ❑ 1. Submittal Requirements Check List
- ❑ 2. Fee
- ❑ 3. Applicant Request Letter
- ❑ 4. Standards Evaluation Form
- ❑ 5. Assessor's map
- ❑ 6. Grading Plan
- ❑ 7. Additional items checked on the submittal requirements list

I, the undersigned represent that all the facts in this application are true to the best of my knowledge. I am aware that application for building permits must be made within twelve (12) months of approval of the Minor Modification and that failure to apply for building permits within that time renders the minor modification approval null and void. I have read and understand the Minor Modification requirements, guidelines and standards.

Signature _____ Date _____

- - - - - - - - - - - - - - - - OFFICE USE ONLY - - - - - - - - - - - - - - - -

Co30 (_____)-(_____ Fee _____ Receipt No. _____
Received _____

Signature of County Staff accepting Application
_____

Action taken on _____ APPROVAL DENIAL

Action taken by _____
(Signature of Planning Official Representative)

Additional staff comments:
_____
_____
_____
_____
_____
_____

Distribution:
Application and applicable plan documents with staff action noted:

- ❑ 1 set retained with reviewing authority
- ❑ 1 set to planning official
- ❑ 1 set to applicant

Confirmation memo/letter from staff to applicant:

- ❑ original to applicant
- ❑ 1 copy each for reviewing authority and planning official

6 mmAPPLICATION.doc