

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

HEARING March 30, 2016

DISTRICT 3

CASE Co9-15-04 Landmark Title TR 18109 – W. Sunset Road Rezoning

REQUEST Rezone from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch – Buffer Overlay) zone, SR (PR-2) (Suburban Ranch – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) (Suburban Ranch Estate – Buffer Overlay) zone, SR-2 (PR-2) (Suburban Ranch Estate – Hillside Development Overlay (Level 2 Peaks & Ridges)) (77.9 acres)

OWNER Landmark Title TR 18109
Kai Sunset 80 Property LLC
P.O. Box 2305
Cortaro, AZ 85652

APPLICANT The WLB Group, Inc.
4444 E. Broadway Blvd.
Tucson, AZ 85711

Location Map



APPLICANT'S PROPOSED USE

A 45-lot, lower-density, clustered residential subdivision with open space.

APPLICANT'S STATED REASON

To replace the current 22-lot subdivision plat that, "did not adequately respond to the constraints of the site including the East Idle Hour Wash Riparian area, Protected Ridge, etc." The proposal will cluster the homes in order to better preserve the protected ridge, riparian areas, wildlife corridors, and natural open space.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR	Platted, Low-density Residential
Northeast:	Town of Marana (~ CR-1)	Platted, Low-density Residential
South:	SR, ¼ mile is CR-1	Non-platted (lot split) Low-density Residential, Undeveloped School Site, ¼ mile Platted
Southwest:	CR-1	Platted, Low-density Residential
East:	SR, further east SR-2, CR-1	Non-platted (lot split), Low-density Residential, further east is Platted
West:	SR (Suburban Ranch)	Non-platted (lot split), Low-density Residential

PREVIOUS REZONING CASES ON PROPERTY

There have been no previous rezoning submittals for the subject site.

PREVIOUS REZONING CASES IN GENERAL AREA

The most recent nearby rezoning, approved in 2005, was for 4.25 acres from the SR zone to the SR-2 zone to allow two residences. The site is located ¼ mile southeast of the subject site. There have been at least 20 rezonings in the area in the last 35 years for a zone more intense than SR.

COMPREHENSIVE PLAN DESIGNATION

In 2013, the rezoning site was the subject of an amendment to the comprehensive plan (Co7-13-08) from Low Intensity Urban 0.3 (LIU 0.3) to Low Intensity Urban 0.5 (LIU 0.5) for 71.5 acres and included 6.4 acres of Resource Transition (RT). The Board of Supervisors approval of the amendment included direction that the property owner work with the Coalition for Sonoran Desert Protection and the Tucson Mountains Association to address these items as part of the subsequent rezoning request:

1. Extend and widen the open space corridor in and around the eastern Important Riparian Area (IRA) to better connect this open space to the open space to the south. This will be accomplished by working with the flow pattern from northeast to southwest.
2. Widen the open space on the eastern edge of the property to provide more north-south connectivity.
3. Provide more overall open space within the Maeveen Marie Behan Conservation Lands System (CLS) categories of Special Species Management Area (SSMA) and Multiple Use Management Area (MUMA).
4. Protect peaks and ridges on the property by ensuring that they will remain undeveloped.

The Board directed staff to provide a report on traffic, safety incidents and fatalities on Sunset Road.

One result of the 2015 Comprehensive Plan Update (Pima Prospers) is the deletion of the RT designation. The entire rezoning site is now designated LIU 0.5. Special Area Policy S-8 (attached) applies to the rezoning site. For this case, Special Area Policy S-8 generally suggests a maximum building height of 24 feet, locating structures to minimize visual impact, and using colors in context with the surrounding environment.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL with conditions.**

The applicant requests a rezoning for 77.9 acres from the SR zone (with portions of the rezoning site subject to the Buffer Overlay zone and another portion subject to the Hillside Development Overlay zone) to the SR-2 zone as a “Cluster” development (according to Section 18.09.040 of the zoning code) with the same overlay zones. The applicant proposes a 45-lot subdivision with 67 percent natural open space and trail easements. Off-site natural open space mitigation is also proposed as part of the CLS policy compliance. The proposed rezoning would replace the existing, undeveloped 22-lot Desert Senna Estates subdivision plat approved in April, 2006.

The site contains natural elements worthy of preservation and as opposed to the existing plat the proposed development, despite allowing more lots, is more sensitive to the preservation of these elements and CLS natural open space policies can be implemented producing a net natural resource benefit. There are, however, aspects such as the lack of services in the area, lack of alternative modes of travel, and of job opportunities that detract from greater population increase in this area. However, demand for infrastructure improvements will not be triggered by this minimal population increase. Therefore the rezoning, subject to meeting the conditions brought forward in this staff report, is appropriate for this site.

PLANNING ANALYSIS

General Area

The general area is characterized as low-density, single-family residential development, with few nearby commercial services, undisturbed natural desert, and extensive views. Sunset Road is a hilly route.

Overlay Zoning

In addition to the current SR zone, two overlay zones apply to the subject site:

- The one-mile Buffer Overlay (BZ) zone abutting Saguaro National Park (West) affects two acres of the site and the BZ also overlays the East Idle Hour Wash.
- The Hillside Development Overlay zone’s Protected Peak (Level 2) (PR-2) applies to approximately eight acres in the southeastern portion of the site.

Sunset Road is a designated Scenic (but not Major Route) per the Scenic Routes Plan. Structures within 200 feet of a scenic route must meet certain requirements such as earthtone colors, specific landscape bufferyards, and a maximum height.

Physical Features

The rezoning site is located east of the Tucson Mountains, west of Camino de Oeste, on the south side of Sunset Road. Physical features of the site include:

- Eight acres of a designated protected peak (Level 2) for which the high point is 2,340 feet (the difference between Level 1 and 2 being the level of geographic significance – Level 1 has community wide significance, Level 2 has neighborhood scale significance);
- Several washes transect the site including the East Idle Hour Wash which has a peak 100-yr flow of 4800-5000 cfs;
- The site includes federally-mapped 100-year floodplain, special flood hazard area, regulated riparian habitat, IRA, and erosion hazard setbacks from three washes;
- The CLS applies with 10.6 acres of IRA, 46.3 acres of SSMA, and 28 acres of MUMA;
- Eight special status species occurrences or critical habitats exist within three miles of the subject site according to the Arizona Game and Fish Department online data reports;
- A significant population of saguaros on the site: 158 saguaros of height 6 feet or greater; 285 saguaros of height less than 6 feet;
- Other notable vegetation such as ocotillos, barrel cactus, palo verdes, mesquites, and denser vegetation are located along wash areas.

Proposed Rezoning

Overall, the rezoning proposes a 45-lot subdivision with 67 percent natural open space (52.8 acres), 3% trail easements (2.5 acres) and off-site mitigation (19.2 acres). Other features of the proposed rezoning include:

- Natural grade will not be changed more than 5' and most of the slopes of 15% or greater occur along the protected washes;
- A 40' natural landscape bufferyard will be provided on the entire perimeter;
- The residences will rely upon septic systems;
- Water service is through Tucson Water subject to a Pre-Annexation Development Agreement;
- No bicycle facilities are proposed and there is no public transit nearby;
- There are no pedestrian facilities planned other than the pedestrian access to the vacant 23.6 acre Tucson Unified School District (TUSD) property to the south and the dedication of trails;
- The developer is working with TUSD to develop an agreement (monetary or land contribution) to address the lack of high school capacity.

Development Comparison

Comparing the requested rezoning with the existing plat and existing zoning, staff finds the following differences:

- The rezoning proposes 15,000 sq.ft. buildable areas per lot plus roads and the remainder is natural open space whereas the plat designates notably less natural open space and no designated building envelopes;
- The rezoning proposes the entire protected peak (approx. 8 acres) be protected whereas the plat protects roughly half of the peak area;
- To meet the Conservation Lands System (CLS) requirements which apply only to the rezoning and not the existing plat, the applicant proposes to set aside an additional approximately 19.2 acres for off-site mitigation natural open space;
- Access points for the rezoning have been moved and reduced from that shown on the plat to improve traffic safety;
- The rezoning projection is 450 ADT (Average Daily (vehicular) Trips) compared to 220 ADT for the existing plat.

Additionally, the site plan submitted for the requisite comprehensive plan amendment case showed no lots in the southeast corner of the site whereas the rezoning proposes three lots (plus natural open space).

There are similarities between the requested rezoning and the existing plat such as all of the designated natural open space is within lots (with exception of proposed off-site mitigation). Common areas are not proposed by the applicant. While common areas are preferred by staff for the protection of natural open space and for detention basins (and may ultimately be required by the Regional Flood Control District (District) pending the outcome of a request for a waiver), presumably the applicant's desire for large lots is based on the market. Additionally, both the proposed rezoning and the plat protect the wash areas due to flood control ordinance regulations.

Potential Issues

Potential issues with the rezoning request and how or whether they have been addressed are the following: *(staff response in italics)*

1. Why do a "cluster" development and does the proposed plan qualify as a cluster development? While all of the lots are at least one acre and the overall average for the development meets the minimum lot size for the SR-2 zone, several of the proposed lots are undersized for SR-2 therefore requiring the cluster process. *Whether this layout meets the cluster standards will be evaluated by the Design Review Committee (DRC) which will hold a hearing between the Commission hearing and the Board of Supervisors hearing. The decision and comments by the DRC will be forwarded to the Board of Supervisors. The cluster process allows lot size flexibility and therefore greater protection of natural resources.*
2. The potential loss of saguaros located within the buildable areas. Three hundred fifty five (355) saguaros (80% of the total number of saguaros) are likely located within the now-conceptual buildable areas which will be specifically determined at the platting stage. *The U.S. Fish and Wildlife Service also express concern about this issue because saguaros are foraging resources for lesser long-nosed bats (an endangered species). The Native Plant Preservation Ordinance (NPPO), which the site is subject to, requires the developer/homeowner to mitigate transplanted or removed saguaros at 3:1 or 2:1 ratios depending on size. Even with replacement ratios as significant as the NPPO requires, preservation in place (or avoidance) where at all possible is preferred. The applicant states that "depending on the final location of homes and improvement requirements in these areas, many saguaros will be preserved in place".(Reference Rezoning Site Analysis pg.II-9) The Office of Sustainability and Conservation - Environmental Planning staff state that because the lots are likely to build out individually over time, impacts to the saguaros would not occur in a single event which would minimize the impact to lesser long-nosed bats. Subject to the recommended conditions, OSC-EP staff conclude that this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.*
3. A lack of commercial services in the area and reliance on cars. *The nearest commercial services are four miles to the northeast at Ina and Silverbell Roads and five miles to the southeast at Silverbell and Grant Roads. This is, in part, a result of past neighborhood opposition to locating commercial services in the area. No bicycle and limited pedestrian facilities are proposed and there is no nearby public transit. The lack of public transit is a result of the area developing as low-density development and is unlikely to change in the*

near future. The applicant states that a rural cross-section (roadway) is more appropriate to the area (as opposed to urban subdivision standards). Rural cross-sections limit non-permeable surfaces and don't include sidewalks.

4. Traffic safety on Sunset Road. The Department of Transportation (DOT) states that in 2009, DOT completed \$1.3 million of intersection improvements at the intersection of Sunset Road and Sunray Drive near the western boundary of the rezoning site. The improvements included lowering the crest vertical curve on Sunset Road in order to provide the appropriate sight distance for both safety and operational benefits.

Over the past 10 years, six accidents were reported on Sunset Road between Blue Bonnet and Camino de Oeste, and one accident was reported between Camino de Oeste and Silverbell. Most accidents in this area resulted from speeding and failure to yield at intersections.

5. Whether the issues brought up by the Board at the comprehensive plan amendment hearing have been addressed:
 - a. Extend and widen the open space corridor in and around the eastern IRA to better connect this open space to the open space to the south. This will be accomplished by working with the flow pattern from northeast to southwest. The site plan submitted for the comprehensive plan amendment proposed no lots in the southeast corner whereas the proposed rezoning added three lots to this area. This is an issue that should have been addressed by discussions between the Coalition for Sonoran Desert Protection and the Tucson Mountains Association and the applicant. As of this writing, the applicant has requested a letter of support from the Coalition and requested a meeting with the TMA. The applicant should be prepared to address the resolution of this issue at the Commission hearing.
 - b. Widen the open space on the eastern edge of the property to provide more north-south connectivity. Same as above.
 - c. Provide more overall open space within the CLS categories of SSMA and MUMA. The CLS will be met; reference the Environmental Planning comments below.
 - d. Protect peaks and ridges on the property by ensuring that they will remain undeveloped. As proposed, the rezoning designates the peak as natural open space.

Neighborhood Meeting Issue

Based on the comments recorded at the applicant-facilitated neighborhood meeting, attendees requested that the proposed development's private conditions, covenants, and restrictions (CCR's) require a minimum house size. While the County has no jurisdiction over private CCR's, specifying minimum house sizes is inconsistent with the Comprehensive Plan's (Pima Prospers) regional policies on energy efficiency (since smaller homes tend to be more energy efficient) and inconsistent with policies on providing a variety of housing options. (Reference Section 3.4 Environmental Element, Goal 2, Policy 3: Reduce greenhouse gas emissions and heat island effects by: c) Continuing to increase energy efficiency including energy efficiency standards in both County-owned and privately owned buildings (Pg. 3.37) and the overall emphasis by Section 4.3 Energy Element to promote energy efficiency.)

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection subject to conditions
FLOOD CONTROL	Yes	No objection subject to conditions
WASTEWATER	NA	No sewer in the vicinity; will rely on septic systems; subject to PDEQ's acceptance
PARKS AND RECREATION	Yes	No objection
WATER	-	Property owner will have to sign a Preliminary Annexation Development Agreement (PADA) to be served by Tucson Water
SCHOOLS	Depending upon outcome of applicant/TUSD agreement	There is capacity for K-8 and middle school but not for high school (Tucson High School)
AIR QUALITY	NA	No comment
ENVIRONMENTAL QUALITY	Yes	No objection

TRANSPORTATION REPORT

The Department of Transportation (DOT) has no objection to the proposed rezoning. Concurrency considerations have been met with roadways in the area operating below capacity. The rezoning proposes 45 units with two access points onto Sunset Road. The project could generate approximately 450 ADT (as opposed to 220 ADT with the existing plat). The main access point is aligned with the gated access point on the north side of Sunset. This access point will serve 39 of the proposed lots. The remaining six lots will be served by an access point further west on Sunset, approximately 300 feet east of the intersection of Sunray and Sunset. Because this site was platted, there are two existing public right-of-ways that will need to be abandoned during the replat of this subdivision.

Sunset Road is a scenic, not major, route as shown on the Major Streets and Scenic Routes Plan. The most recent traffic count is 947 ADT from Blue Bonnet to Camino de Oeste and 1,419 ADT from Camino de Oeste to Silverbell Road. Sunset is a two lane road with no sidewalks or bike paths. The speed limit is 35 mph and the capacity of 13,122 ADT. Other nearby roadways

include Camino de Oeste with a current traffic count of 1,419 ADT and a capacity of 13,122 ADT, and Silverbell Road with a current traffic count of 9,197 ADT and a capacity of 15,930 ADT.

In 2009, DOT completed \$1.3 million of intersection improvements at the intersection of Sunset Road and Sunray Drive near the western boundary of the rezoning site. The improvements included lowering the crest vertical curve on Sunset Road in order to provide the appropriate sight distance for both safety and operational benefits.

Silverbell Road from Ina to Grant Road is currently under construction. The project is a joint effort between Pima County, the City of Tucson, and Marana. The purpose of this project is to reduce congestion, provide alternative modes of transportation, improve drainage and enhance safety. The proposed improvements include widening the roadway to 3-4 lanes with raised medians, multi-use lanes, curbs, sidewalks, drainage improvements, storm drains, landscaping and public areas. The project is phased; the segment from El Camino del Cerro to Grant Road is currently under construction with an estimated completion sometime in 2017. The Ina Road to El Camino de Cerro segment will be designed and constructed starting in 2022 with an estimated completion in 2026.

Over the past 10 years, six accidents were reported on Sunset Road between Blue Bonnet and Camino de Oeste, and one accident was reported between Camino de Oeste and Silverbell. Most accidents in this area resulted from speeding and failure to yield at intersections.

DOT has no objection to this rezoning subject to Conditions 6A and 6B.

FLOOD CONTROL REPORT

The Pima County Regional Flood Control District (District) has the following comments:

- The East Idle Hour Wash and several tributaries impact the site. There are regulatory floodplains and riparian habitat associated with these. A portion of these is designated as IRA. While regulatory floodplains (those with flow over 100 cubic feet per second during the 100 year storm event) and Pima County Regulated Riparian Habitat (PCRRH) have been avoided by the building envelopes shown on the PDP, there is no common area set aside proposed nor have easements been shown.
- Lots including 11, 12, 16-26, 31, 32, 35, 42, 41 and 45 are impacted by flows under the regulatory threshold per the submittal, but are significant. Building envelopes have been shown schematically.
- Proposed detention basin locations shown on the PDP are all within residential lots. This is prohibited by Section 4.3.1 of the Design Standards for Stormwater Detention and Retention. Furthermore the site is within a Critical Basin in which infrastructure is inadequate to handle existing flows and reductions are required. Staff supports changes in lot size, configuration, or number of lots to provide more space for common area detention.
- The applicant has submitted a Preliminary Integrated Water Management Plan (PIWMP). The use projections do not utilize the approved method, exclude features

including detention, and therefore may be low. The 342 gallons per unit per day translates by the District's calculations to under 18 acre feet per year. The site will be served by a renewable and potable supply pending a pre-annexation service agreement with Tucson Water.

- As required, staff has prepared the following Water Resources Impact Assessment (WRIA):

The site is adjacent to Tucson Water's service area and the applicant has submitted a letter from Tucson Water indicating service is available pending a pre-annexation service agreement with Tucson Water.

Groundwater depth at the nearest wells which are within a mile of the site per the ADWR Well Registry was between 100 and 200 feet at the time of drilling. Per "Mason, Dale, 2014, Technical Memo to the Tucson Groundwater Users Advisory Committee, Modeling results of the 2010 Supply and Demand Assessment Model Projection, Arizona Department of Water Resources" between the years 2010 and 2025 groundwater depth is predicted to change between +10 to -10 feet and be over 250 feet below the surface by 2025. It should be noted that the scale and resolution of these maps is large and this site is on the edge of the area modeled.

The site is not in an area impacted by more than the 3" of subsidence as mapped by Pima County, the applicability threshold under the Water Policy.

The nearest Groundwater-Dependent Ecosystem is the perennial section of the Santa Cruz River .72 miles away.

The site is within the Tucson Hydrogeological Basin, and the depth to bedrock is 800-1,600 feet on a majority of the site.

The WRIA finds that the project is not expected to have adverse impacts on groundwater dependent ecosystems.

In conclusion because the floodplain and PCRRH are to be avoided the District has no objection subject to Conditions 7 A-G.

ENVIRONMENTAL PLANNING REPORT

Site Conservation Values and Landscape Context

- The majority of the 77.9-acre site lies within the CLS; designations are MUMA, IRA, and SSMA overlay. Approximately 3.6 acres is not subject to any CLS designation.
- The subject site does not lie within the Priority Conservation Areas for the western burrowing owl, needle-spined pineapple cactus, or Pima pineapple cactus. It does lie within the Priority Conservation Area for the cactus ferruginous pygmy-owl.
- The subject site is not part of any of the six CLS Critical Landscape Connections.

- On-site resource conditions: The subject site is currently in a natural, undisturbed condition. The only riparian resources are associated with the East Idle Hour Wash which is regulated by the District as IRA - Xeroriparian Class C. Results of on-site surveys found 443 saguaros (158 at 6' or greater; 285 at less than 6') and no ironwood trees. The USFWS notes that saguaros are important forage species for the federally-endangered lesser long-nosed bat; they have been documented foraging in the general area.
- The site is not within nor is it adjacent to any Pima County Preserve properties. Sweetwater Preserve, at over 1.5 miles southeast of the subject site, is the nearest County Preserve. Saguaro National Park lies approximately 1 mile west-northwest of the subject site.
- The site is not identified for acquisition under the 2004 Open Space Conservation Bond Program.
- Landscape context: Land uses in the vicinity of the subject property are residential and range from 1 residence per acre to 1 residence per 3.3 acres. These land uses constitute a homogenous landscape that is relatively permeable for the movement of wildlife and are consistent with the Arizona Game and Fish Department's designation of the area between the eastern front of the Tucson Mountains and the Santa Cruz River as a Landscape Wildlife Movement Area. As the subject site is embedded in this Landscape Wildlife Movement Area and is currently undeveloped, it does make a positive contribution to landscape permeability for biological resources.

Potential Impact to Biological Resources and CLS

According to the preliminary development plan (PDP), approx. 55.3 acres will be undeveloped; 52.8 acres will be retained in natural open space. The East Idle Hour Wash and its riparian resources is included in its entirety within the on-site set-aside. Projections indicate that only 20% of saguaros (including 33 of the 158 saguaros at 6' or greater) will be within on-site set-aside areas. Impacts to vegetative resources (including saguaros) will occur at later stages in the development process when the proposed development is subject to the applicability of the *Native Plant Preservation Ordinance (Title 18; Ch. 18.72)*. The applicant indicates that lots are likely to be built out individually over time, impacts to and mitigation for 355 saguaros will occur over the time span it takes to reach build out and would not likely occur in a single event. This reduction in temporal impacts to available foraging habitat along with mitigation required under the Native Plant Preservation Ordinance will minimize impacts to lesser long-nosed bats.

The amount of natural open space set-aside conforms to CLS Conservation Guidelines in all instances save one. The conservation objective for development within the SSMA is to achieve 4 acres of natural open space set-aside for each acre that is developed. The proposed project anticipates impacting approximately 13 acres of SSMA yielding a need for approx. 52 acres of natural open space. On-site set-asides only provide 33 acres of SSMA thus leaving a deficit of approx. 19 acres. The applicant intends to provide the 19 acres of SSMA natural open space set-aside at a suitable off-site location.

In summation, given the site's on-site resources, landscape context, and the on-site set-aside of natural open space in conjunction with the recommended rezoning conditions 8 A-C, this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.

WASTEWATER RECLAMATION REPORT

This rezoning area is outside of the area served by Pima County's public sewer systems, and each lot will be served by individual on-site sewage disposal system. Therefore, this matter falls primarily within the regulations enforced by the Pima County Department of Environmental Quality (PDEQ). The PCRWRD has no objection to the rezoning request provided that PDEQ has no objections to it.

The owner/developer must secure approval from PDEQ to use on-site sewage system on the rezoning site at the time a tentative plat, development plan, request for building permit is submitted for review.

ENVIRONMENTAL QUALITY REPORT

PDEQ does not have any comments.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Staff has no objection to the requested rezoning. When a subdivision plat is submitted, two non-motorized trail easements will be dedicated that connect to existing trails as shown on the PDP.

CULTURAL RESOURCES REPORT

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.

TUCSON WATER REPORT

Tucson Water has no objection to the proposed rezoning of the subject parcels.

The letter that was issued by Tucson Water on July 26, 2013 was not a "will-serve" letter. This letter correctly stated that these parcels were located within the City's water service "expansion area" and that Tucson Water could not provide water service until a pre-annexation development agreement (PADA) is approved by the City of Tucson Mayor and Council. This condition is still in effect today.

[Staff note: Incorporated City of Tucson boundary is approximately 1¼ mile southeast of the rezoning site.]

TUCSON ELECTRIC POWER

Tucson Electric Power (TEP) has no objections to this rezoning. This project is located within TEP service territory and will require a new service application from the owner/developer to extend service to the new location.

SCHOOL DISTRICT REPORT

In a letter dated 6/18/14 (Appendix D of site analysis) TUSD effectively states that based on projected enrollment at TUSD there is capacity to absorb the impact of the proposed low-density development at Robins K-8 School and Mansfeld Middle School, but there is inadequate capacity to absorb the impact of the rezoning for Tucson High School. TUSD objects to the rezoning because new students will be added to Tucson High School that is projected to be

over capacity. Provisions are needed for funding of the facility by the developer to help alleviate the project overcrowding.

Proposed Methods of Mitigation:

1. To help alleviate the projected overcrowding the developer may make voluntary monetary or land contributions per home to the affected school or TUSD.
2. In addition, the following condition should be added to the rezoning:
During the development plan stage, the applicant should contact TUSD concerning the provision of adequate space for safe bus stops, bus turn-arounds and pedestrian access to the appropriate schools.

When staff recently requested comment on the rezoning request TUSD responded:
Tucson Unified School District has no additional information to add for the new rezoning.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

USFWS is concerned about potential impacts to foraging resources for the lesser long-nosed bat, a species listed as endangered under the Endangered Species Act. The new development proposal for the project will impact 355 saguaros, an important forage resource for the lesser long-nosed bat. Lesser long-nosed bats have been documented foraging in the vicinity of the proposed project by an ongoing citizen-science hummingbird feeder monitoring project where citizens document the use of hummingbird feeders by nectar-feeding bats. While USFWS understands some saguaros will not be impacted by the project and that some of the impacted saguaros will be relocated within the project boundaries, there will be a substantial loss of potential forage resources as a result of the proposed project.

Page II-8 and II-9 (*of the site analysis*) appear to indicate that the project proponents will also conserve some off-site mitigation land (19.2 acres) to comply with Pima County policies. It refers the reader to Appendix G for a description of these lands but no Appendix G was included in the materials we received to review. *[Staff note: Appendix G (Off-site Mitigation of CLS) was subsequently provided to USFWS]* It is, therefore, not possible to know if the proposed off-site lands will provide saguaros as forage resources for lesser long-nosed bats in the region. *[After receiving Appendix G, USFWS staff stated that they estimated there are no saguaros on the off-site piece, or only a very few, so it does not really address the substantial impacts to saguaros on the proposed rezoning site.]*

Given the scope of potential impacts to the lesser long-nosed bat forage resources, USFWS recommends that Pima County require a more quantified documentation of the number of saguaros that will remain on site following the completion of the proposed development. USFWS also recommends that Pima County ensure that the off-site mitigation lands provided by the project proponents provide adequate saguaro resources to reasonably offset the on-site impacts to saguaros. *[Staff note: After reviewing Appendix G, USFWS effectively said that the proposed off-site mitigation is an important piece of the connectivity and riparian puzzle in NW Tucson and it is hard to fault using that as the off-site mitigation for this project. It does not address the substantial impacts to saguaros on the proposed rezoning site but depending on what the developer does on site with regard to salvage and replanting, it may not be significant that there are no saguaros on the off-site mitigation parcel.]* It does not appear that this project will require a Clean Water Act 404 permit, but if it does or if there is any other sort of Federal nexus with this project, we suggest that, due to the magnitude of impacts to saguaros, section 7 consultation with the Federal action agency may be required. The Federal action agency, if any, will make a determination of whether section 7 consultation is needed.

We offer any additional technical assistance that you may need to determine if the potential impacts to saguaros are adequately being addressed and if impacts to lesser long-nosed bats are being avoided and minimized. We cannot make those determinations at this time due to the lack of information on the number of saguaros being salvaged and relocated on site, or the nature of the off-site mitigation lands. If you can provide that additional information, we will be happy to provide you additional input and technical assistance.

TOWN OF MARANA REPORT

The town of Marana Planning Department has reviewed the rezoning application and has no comments at this time.

FIRE DISTRICT REPORT

No written comments have been received to date.

PUBLIC COMMENT: To date, staff has received no written public comment.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors
3. The owner shall adhere to the preliminary development plan as approved at public hearing, with the exception of changes in number, size, or configuration of lots due to a required provision of common area for detention basins if an alternative is not accepted by the Floodplain Administrator.

4. Transportation conditions:
 - A. The property shall be limited to two access points as indicated on the preliminary development plan.
 - B. The eastern access point shall align with the access point on the north side of Sunset Road.
5. Flood Control conditions:
 - A. Native riparian vegetation shall be used to enhance drainage improvements.
 - B. First flush retention (retention of the first ½ inch of rainfall from impervious and disturbed surfaces) shall be provided.
 - C. Regulatory floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
 - D. Development shall meet Critical Basin detention requirements.
 - E. Maintenance responsibility for stormwater infrastructure, including detention basins, shall be assigned to the homeowners association or other designated representative by Conditions, Covenants and Restrictions.
 - F. Detention basins shall be located in common area unless an alternative is proposed and accepted by the Floodplain Administrator. Placement of basins in common area may result in fewer lots or changes in size and/or configuration of lots than shown on the conceptual layout on the preliminary development plan.
 - G. Building envelopes shall be identified during the platting process and shall be oriented to avoid or minimize impacts to local, unregulated drainageways.
6. Environmental Planning conditions:
 - A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing 52 acres as on-site natural open space (NOS) and 19 acres as off-site NOS. On-site NOS will conform to the approximate location and configuration as shown on the approved Preliminary Development Plan. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11) Conservation Lands System Mitigation Lands) and comply with all of the following:
 - o Off-site NOS is acceptable to the Pima County Planning Official or designee; and
 - o Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee.
 - B. The maximum amount of grading per lot shall not exceed 15,000 square feet and will occur entirely within the buildable part of the lot as demarcated on the Preliminary Development Plan by the 'No Build Line'.

- C. 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 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. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

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>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

7. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
8. The property owner shall execute and record the following disclaimer regarding Prop 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)."
9. 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

10. During the development plan stage, the applicant shall contact Tucson Unified School District (TUSD) concerning the provision of adequate space for safe bus stops, bus turn-arounds and pedestrian access to the appropriate schools.
11. Structures shall be limited to a maximum height of 24 feet and shall be sited and landscaped to minimize negative visual impacts. The color of structures shall be in context with the surrounding environment.

Respectfully Submitted,



Janet Emel, Senior Planner

c: Landmark Title TR 18109
Kai Sunset 80 Property LLC
P.O. Box 2305
Cortaro, AZ 85652

The WLB Group, Inc.
4444 E. Broadway Blvd.
Tucson, AZ 85711

Case #: Co9-15-04

Case Name: LANDMARK TITLE TR 18109 - W. SUNSET ROAD REZONING

Tax Code(s): 214-23-2950 thru 214-23-3160



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

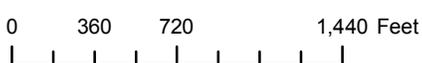
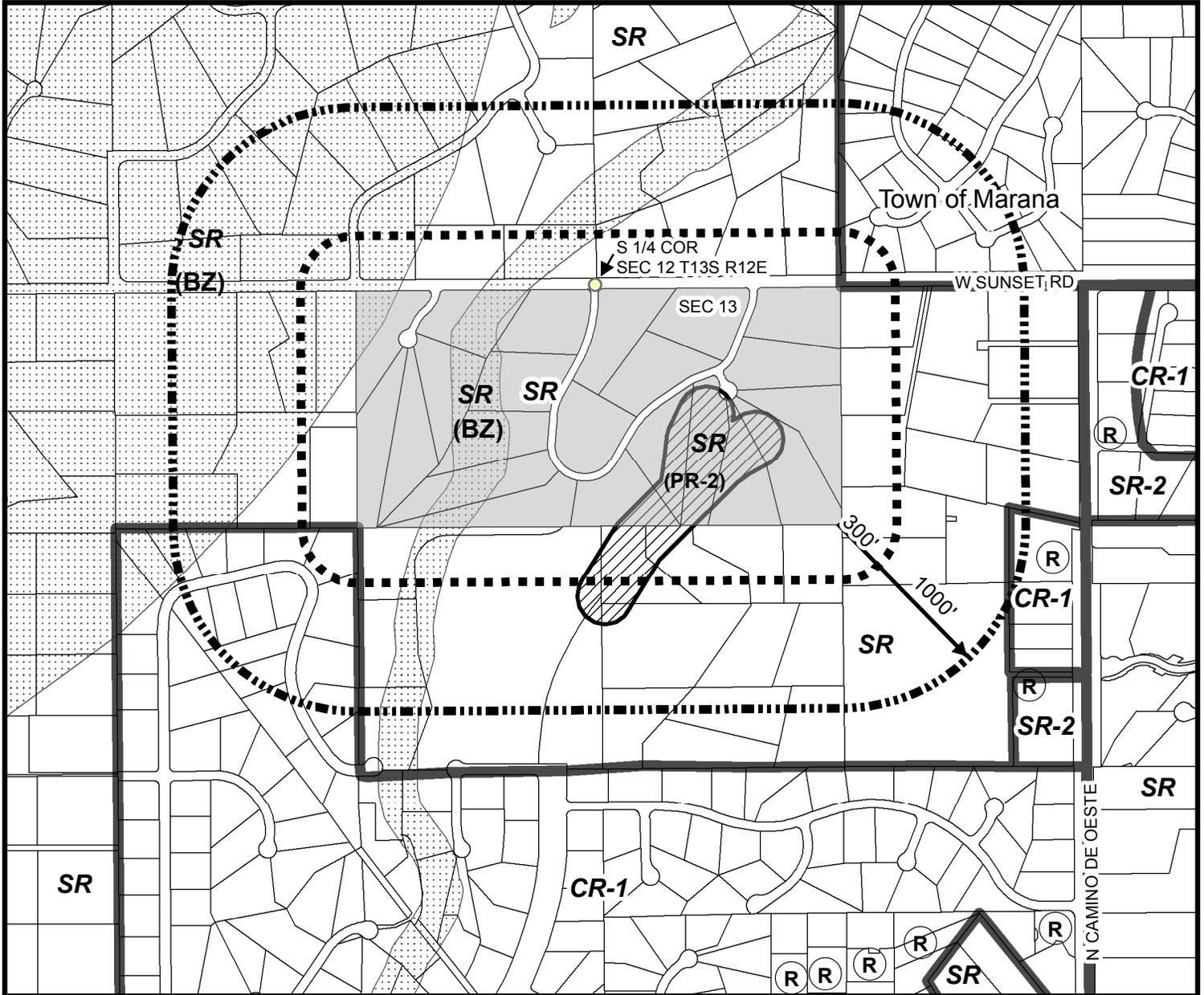
	Notes: Ref: CO7-13-08			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Planning & Zoning Hearing: 03/30/16 (scheduled)			
	Base Map(s): 43, 44	Map Scale: 1:10,000	Map Date: 02/29/2016	

Case #: Co9-15-04

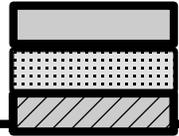
Case Name: LANDMARK TITLE TR 18109 - W. SUNSET ROAD REZONING

Tax Code(s): 214-23-2950 thru 214-23-3160

 1000' Notification Area
 300' Notification Area
 Subject site
 Zoning Boundary
 Buffer Overlay Zone
 Protected Peaks and Ridges - Level 2

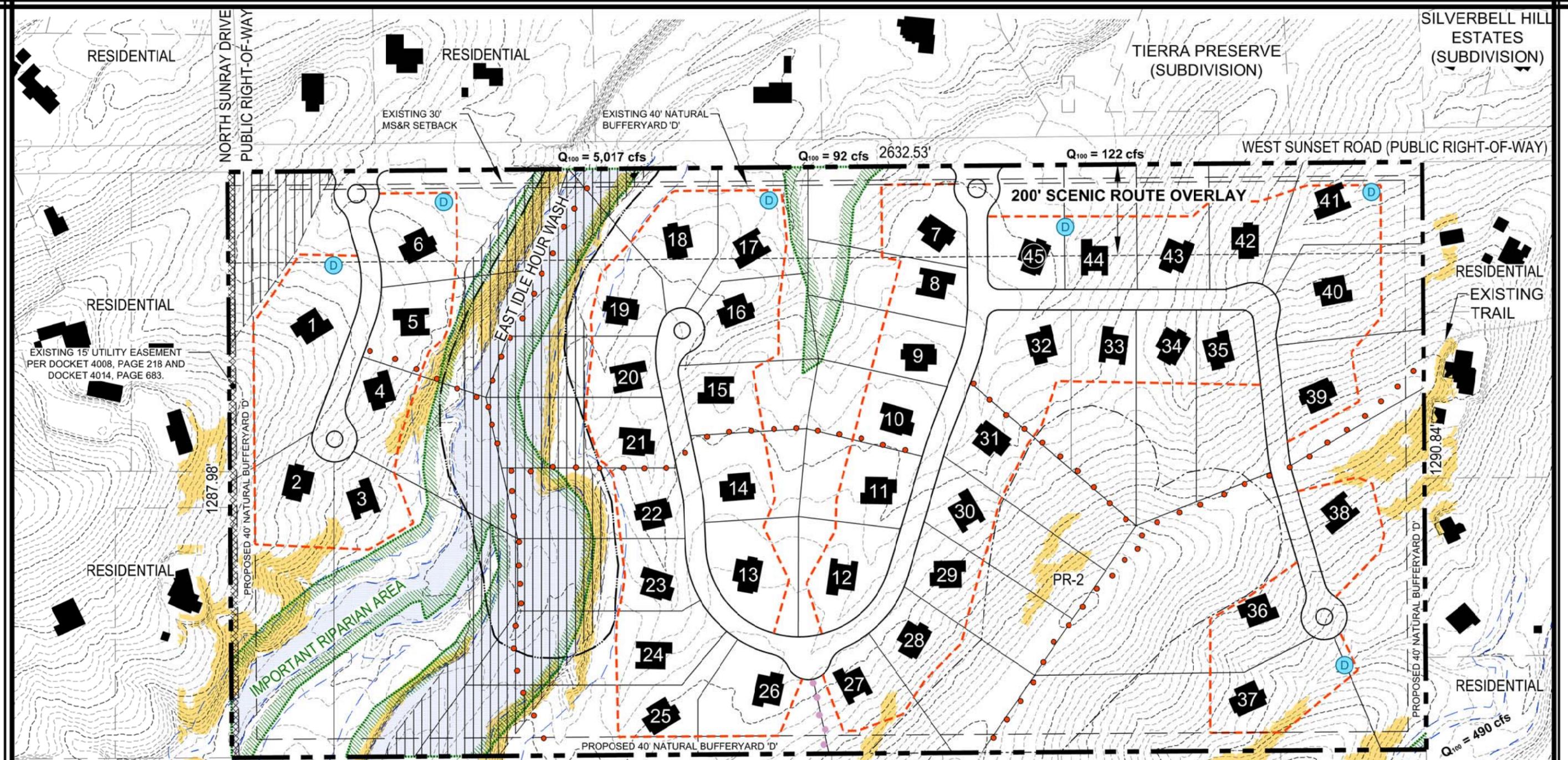


Area of proposed rezoning from SR to SR-2
 SR (BZ) to SR-2 (BZ)
 SR (PR-2) to SR-2 (PR-2)



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

	Notes: Ref: CO7-13-08		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Planning & Zoning Hearing: 03/30/16 (scheduled)		
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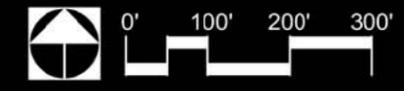
LEGEND	
	Property Boundary
	Important Riparian Areas
	Protected Ridge (PR-2)
	FEMA 100-YR. Floodplain (Zone A)
	Regulated Slopes 15% or Greater
	Buffer Overlay Zone (BOZO)
	Proposed No Build Line
	Erosion Hazard Setback (EHS)
	100-Year Floodplain
	Proposed Pedestrian Access Easement to TUSD School Property
	15' On-Site Trail Easement
	Existing Trail
	Potential Basin Location

PROPOSAL SUMMARY	
Property Area = 77.9± Ac.	
Units = 45	
Density = 1 Home / 1.7 Acres	
Open Space = 70.0±%	
Max. Disturbance per Lot = 15k± SF.	
NOTE	
The building pad locations and leach fields are within the 15,000 SF. building envelope. They are schematic, and subject to adjustment during the grading design and permitting phase. Refer to Exhibit II-I-3 for location of the leach fields.	

EXHIBIT II-B-1 PRELIMINARY DEVELOPMENT PLAN



Contour Interval = 2 Ft.
WLB No. 113011-A-001



Applicable Comprehensive Plan Land Use Designations and Special Area Policy

Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

a. **Objective:** To designate areas for low-density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and to be contiguous with other dedicated natural open space and public preserves.

Low Intensity Urban 0.5 (LIU-0.5)

a) **Residential Gross Density:**

i) Minimum – none

ii) Maximum – 0.5 RAC. The maximum gross density may be increased in accordance with the following options:

a] Gross density of 1.2 RAC with 50 percent open space; or

b] Gross density of 2.5 RAC with 65 percent open space.

Low Intensity Urban 0.3 (LIU-0.3)

a) **Residential Gross Density:**

i) Minimum – none

ii) Maximum – 0.3 RAC. The maximum gross density may be increased in accordance with the following options:

a] Gross density of 0.7 RAC with 50 percent open space; or

b] Gross density of 1.2 RAC with 65 percent open space.

S-8 Tucson Mountains North (TM)

General location

Within portions of Township 13 South, Range 12 East; Township 13 South, Range 13 East, Township 14 South, Range 12 East and Township 14 South, Range 13 East.

Description

The northern portion of the planning area is located between urbanizing areas in the City of Tucson and the public reserves of Tucson Mountain Park and Saguaro National Park, and is distinguished by rugged terrain, highly diverse vegetation, significant wildlife habitat, and many riparian areas. The purpose of the Tucson Mountains North Special Area is to protect this special environment while planning for expected growth. To achieve this purpose, planning strategies include: 1) declining westward land use intensities; and 2) a low-density conservation area and buffer to Tucson Mountain Park and Saguaro National Park.

Policies

A. **Structures.** All structures west of Silverbell Road shall be limited to a maximum height of 24 feet, and shall be sited and landscaped to minimize negative visual impacts. All structures shall be of a color which is in context with the surrounding environment.

B. **Open Space Dedication.** Natural area designations not dedicated to and accepted by Pima County for restricted use as a perpetual open space at the time of an exchange for an allowed density increase on a given portion shall, for those parcels, provide that the property owners within 660 feet and the Tucson Mountains Association are nominal beneficiaries of the natural open space created.

C. Notwithstanding the zoning districts permitted under the Comprehensive Plan Land Use Plan Legend, SH (Suburban Homestead Zone) and RH (Rural Homestead Zone) shall not be permitted.

D. Notwithstanding the zoning districts permitted in accordance with the Major Resort Community provisions, CPI (Campus Park Industrial Zone) or TR (Transitional Zone) shall not be permitted.

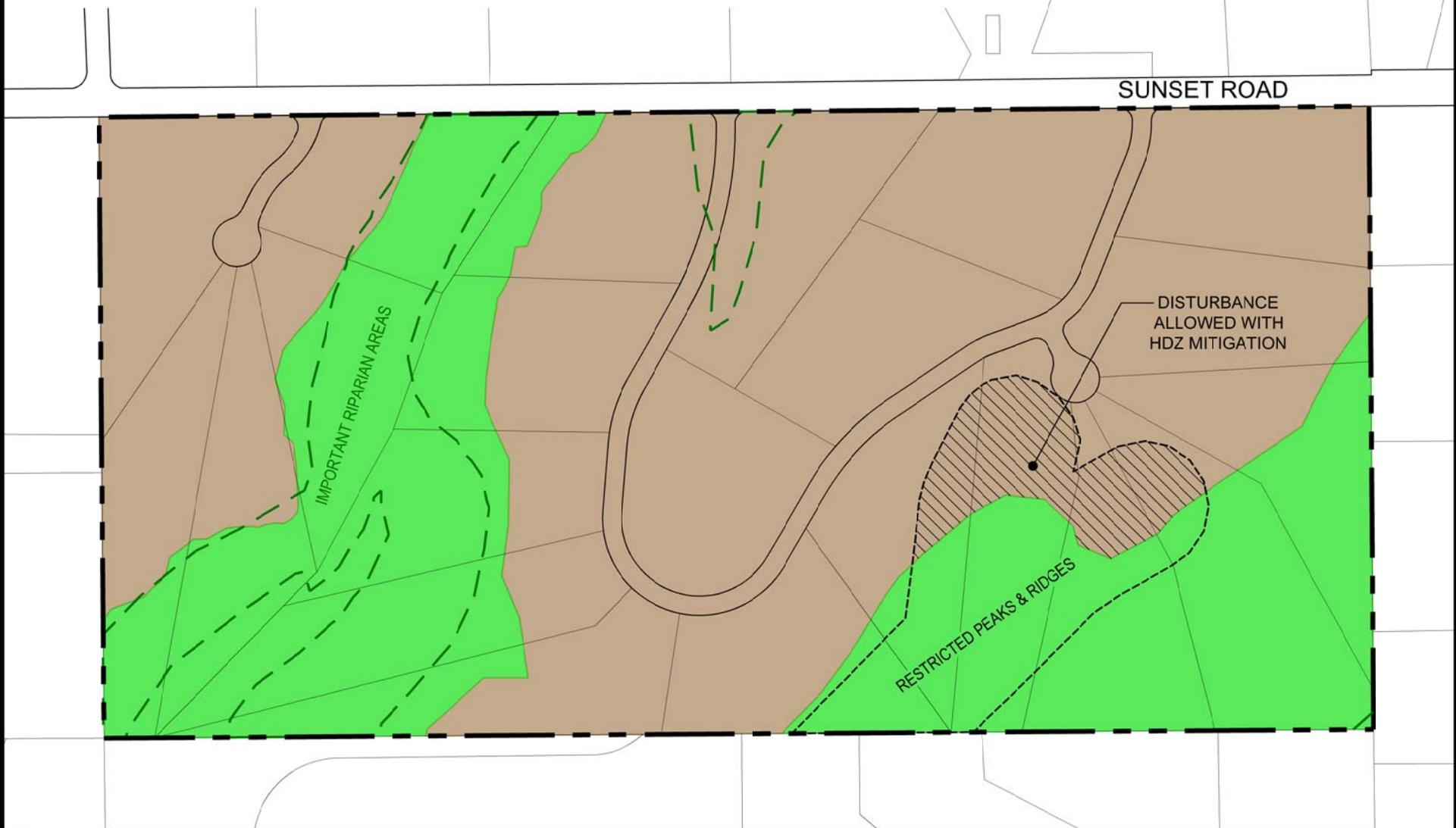
LEGEND



CURRENTLY PROTECTED AREAS: 27.3± ACRES (35% OF THE SITE)



CURRENTLY ALLOWABLE DISTURBANCE AREAS: 50.5± ACRES



0'

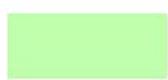


300'

LEGEND



PROPOSED PROTECTED AREAS (42.5± ACRES)



APPROXIMATE ADDITIONAL OPEN SPACE WITHIN BUILDABLE AREAS (12.8± ACRES)



SCHEMATIC LOCATION OF 15,000 SQ/FT OF DISTURBANCE PER LOT (22.5± ACRES)

55.3± ACRES OF TOTAL PROPOSED OPEN SPACE (71% OF THE SITE)

SUNSET ROAD



0'



300'



September 9, 2013

Pima County Development Services
201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

Subject: Sunset 80 Development

To Whom It May Concern:

I hereby authorize The WLB Group, Inc. to represent Landmark Title Trust 18109-T in requests related to the entitlement and development of the proposed 80 acre development near the intersection of Sunset Road and Camino de Oeste. The parcels represented are 214-23-2960, 214-23-2970, 214-23-2980; 214-23-2990; 214-23-3000; 214-23-3010; 214-23-3020; 214-23-3030; 214-23-3040; 214-23-3050; 214-23-3060; 214-23-3070; 214-23-3080; 214-23-3090; 214-23-3100; 214-23-3110; 214-23-3120; 214-23-3130; 214-23-3140; 214-23-3150; and 214-23-3160.

Sincerely,

LANDMARK TITLE ASSURANCE AGENCY OF ARIZONA, LLC

A handwritten signature in black ink, appearing to read 'Joyce M. Rodda', is written over the typed name.

Joyce M. Rodda
Trust Officer

MEMBERS OF KAI SUNSET 80

Manager/Member Information

PROPERTY LLC ▲

Name	HERBERT KAI
Title	MANAGER
Address	2305 W RUTHRAUFF RD TUCSON, AZ 85705
Date of Taking Office	05/21/2003
Last Updated	06/24/2003
Name	JOHN KAI JR
Title	MANAGER
Address	2305 W RUTHRAUFF RD TUCSON, AZ 85705
Date of Taking Office	05/21/2003
Last Updated	06/24/2003
Name	SIDNEY LEX FELKER
Title	MANAGER
Address	7440 N ORACLE RD BLDG 2 TUCSON, AZ 85704
Date of Taking Office	05/21/2003
Last Updated	06/24/2003

Name	AVRA PLANTATION INC
Title	MEMBER
Address	2305 W RUTHRAUFF RD TUCSON, AZ 85705
Date of Taking Office	05/21/2003
Last Updated	06/24/2003
Name	KAI FAMILY TRUST
Title	MEMBER
Address	JOHN/HERBERT KAI SIDNEY FELKER TRUSTEE 7440 N ORACLE RD BLDG 2 TUCSON, AZ 85704
Date of Taking Office	05/21/2003

**PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING**

Landmark Title TR 18109
ATTN: Kai Sunset 80 Property

PO Box 2305 Cortaro Rd.
Tucson, AZ 85652

james.kai@kaienterprises.com/ 520.791.2409

Owner

Mailing Address

Email Address/Phone daytime / (FAX)

The WLB Group Attn: Paul Oland

4444 E. Broadway Blvd. Tucson, AZ 85711

gpoland@wlbgroup.com / 520.881.7480

Applicant (if other than owner)

Mailing Address

Email Address/Phone daytime / (FAX)

Desert Senna Estates lots 1-22

Multiple, see attached

Legal description / property address

Tax Parcel Number

77.9±

SR

SR-2

Low Intensity Urban, LIU 0.5 / SP S-8

Acreage

Present Zone

Proposed Zone

Comprehensive Plan Subregion / Category / Policies

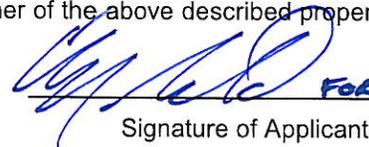
The following documentation must be attached:

1. **Assessor's map** showing boundaries of subject parcel and **Assessor's Property Inquiry (APIQ) printout** showing **current ownership** of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with an **original signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, an **original signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, an **original signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit the site analysis fee and eight (8) copies of the site analysis document. If the proposed project will use an on-site wastewater treatment and disposal system (such as a septic system), nine (9) copies of the site analysis document must be submitted. Also submit one CD of the site analysis document.
3. For all rezonings, submit the **entire** rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

6.30.15

Date

 **PAUL FOR OLAND**
Signature of Applicant

FOR OFFICAL USE ONLY

Co9-

Case name

Rezoning from

Rezoning to

Official Zoning Base Map Number

Fee

Supervisor District

Conservation Land System category

Cross reference: Co9-, Co7-, other

Comprehensive Plan Subregion / Category /Policies

Received by _____

Date _____

Checked by _____

Date _____

Desert Senna Rezoning Site Analysis
Existing Parcel Numbers

- 214-23-2950
- 214-23-2960
- 214-23-2970
- 214-23-2980
- 214-23-2990
- 214-23-3000
- 214-23-3010
- 214-23-3020
- 214-23-3030
- 214-23-3040
- 214-23-3050
- 214-23-3060
- 214-23-3070
- 214-23-3080
- 214-23-3090
- 214-23-3100
- 214-23-3110
- 214-23-3120
- 214-23-3130
- 214-23-3140
- 214-23-3150
- 214-23-3160