

**Biological Impact Report**  
**Jewell - Ocotillo Dr Rezoning (Parcel 114-12-0730)**

**Purpose of this Report**

This report was prepared by Michael Marks, AICP of MJM Consulting Inc in connection with the rezoning application for the 4.04 acre Jewell - Ocotillo Drive project.

**General Comments**

The property is located in the 'Sabino Canyon' area in northeast Tucson. It is located just west of the Sabino Creek. The site has existing SR zoning and the rezoning request is to change that to CR-1. The purpose of this request is not to allow any additional residential development, but rather is to facilitate the sale of a portion of the property to the adjacent 'Copley' parcel. That property, being called the 'Transfer Parcel', which is approximately 2.81 acres, would then be sold to the Copleys. The 'Residual Parcel', i.e. the remainder of the Jewell Parcel, is approximately 1.23 acres. The Transfer Parcel would be split off of the Jewell Property and then combined with the existing Copley Property. The Copleys would then have this Transfer Parcel preserved as natural open space.

**Landscape Resources**

1. Nearly all of the site is within the Conservation Land System. The majority of the site is classified Important Riparian Area (IRA), that being approximately 3.7 acres. A minority portion of the property is classified as Biological Core, that being approximately 0.3 acres. An even smaller area is not in the CLS, that being approximately 0.1 acre. The exhibit entitled 'Conservation Lands System' that is attached with this application shows these areas.
2. The site is not within any of the six general Critical Landscape Linkages areas identified on the Priority Biological Resources Map.
3. The Property is not identified for Habitat Protection in the adopted 2004 Conservation Bond Program but it is so classified in the proposed 2015 Conservation Bond Program. The property is not classified as Community Open Space in either.

**Federally Listed Threatened/Endangered Species**

Cactus Ferruginous Pygmy-owl:

1. The project site is within a Priority 1 Conservation Area.
2. No, the project site has not been surveyed. No surveys are planned.

Western Burrowing Owl:

1. The project site does not occur within a Priority Conservation Area.
2. No, the project site has not been surveyed. No surveys are planned.

Pima Pineapple Cactus:

1. The project site does not occur within a Priority Conservation Area.
2. None have been observed.
3. No, the project site has not been surveyed. No surveys are planned.

Needle-Spined Pineapple Cactus:

1. The project site does not occur within a Priority Conservation Area.
2. None have been observed.
3. No, the project site has not been surveyed. No surveys are planned.

**MEMORANDUM**

To: Chris Poirier, Assistant Planning Director  
Pima County Planning Division  
From: Michael Marks, AICP  
Re: Property south of Ocotillo Drive and about a ½ mile east of Sabino  
Canyon Road  
Date: August 3, 2015

This morning I met with Chris McVie and Carolyn Campbell of the Coalition for the Protection of the Sonoran Desert, at the Jewell Property. The meeting went well and both Chris and Carolyn indicated that they were ok with the rezoning application, considering the Transfer Property NUOS plan and the CLS conditions on the property. They expressed some thoughts on the 'Covenant' I mentioned in the Rezoning material and indicated that they would be more satisfied with either a Conservation Easement or a Deed Restriction, in either case making reference to the NUOS designation being 'in perpetuity' and allowing for a third party to have rights to enter on to the property from time to time to inspect and insure that the natural open space condition was being honored. After the meeting I met with Brad and Stacey Copley and they indicated that they are ok with this subject, even though they indicated that their initial response is that they would prefer that the document be a Deed Restriction.

As a result of this we will meet or talk further with the 'Coalition' representatives to work through this issue. Thus a subsequent Memo should be submitted to the Planning Department on this issue within the next few weeks.

# **ATTACHMENT A**

## **To The Rezoning Application for the Jewell Parcel Southeast of Ocotillo Drive and Hidden Valley Road**

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### **1) OWNER'S NAME, EMAIL ADDRESS/PHONE DAYTIME/FAX**

Owner: Jewell Revocable Trust c/o William & Eleanor Jewell  
Address: 5180 N. Hidden Valley Road, Tucson Arizona 85750-9676  
Email Address: elliejewell7@msn.com  
Daytime Phone: 749-4444

### **2) THIRD PARTY<sup>1</sup> OWNER'S NAME, EMAIL ADDRESS/PHONE DAYTIME/FAX**

Owner: Brad and Stacey Copley  
Address: 8410 E. Ocotillo Drive, Tucson Arizona 85750-9686  
Email Address: stacey\_copley@yahoo.com  
Daytime Phone: 631-1468  
Fax: 333-2889

### **3) APPLICANT'S EMAIL ADDRESS/PHONE DAYTIME/FAX**

Company: MJM Consulting, Inc  
Contact: Michael Marks, AICP  
Address: 7002 E. 4<sup>th</sup> Street, Tucson Arizona 85710  
Email Address: [mjmconsulting@cox.net](mailto:mjmconsulting@cox.net)  
Daytime Phone: 241-8876

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### **4) LEGAL DESCRIPTION**

A portion of the NW4 of the SE4 lying south of and adjacent to Ocotillo Drive of Section 16 of Township 13 South, Range 15 East.

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### **5) Acreage**

This number was estimated by MJM Consulting. The Assessor's Office shows it to be 3.9 acres.

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<sup>1</sup> This is the owner of the adjacent parcel who wishes to purchase open space portion of the Jewell Parcel and who, with the authorization and participation of the Jewells, is driving this rezoning request.

Book-Map-Parcel: **114-12-0750**[Oblique Image](#)

Tax Year:

Tax Area: **1601**

## Property Address:

Street No	Street Direction	Street Name	Location
5180	N	HIDDEN VALLEY RD	Pima County

## Taxpayer Information:

JEWELL REVOC TR  
 ATTN: WILLIAM C & ELEANOR C JEWELL TR  
 6780 E LOMA DEL BRIBON  
 TUCSON AZ

## Property Description:

IRREG PCL IN N2 N2 SE4 H 3.90 AC SEC 16-13-15

85750- 6371

## Valuation Data:

		2015		2016	
	LEGAL CLASS	VALUE	ASMT RATIO	LEGAL CLASS	VALUE
TOTAL FCV	Primary Res (3)	\$328,210	10.0	Primary Res (3)	\$347,409
LIMITED VALUE	Primary Res (3)	\$308,835	10.0	Primary Res (3)	\$322,177

## Property Information:

Section: 16  
 Town: 13.0  
 Range: 15.0E  
 Map & Plat: /  
 Block:  
 Tract:  
 Rule B District: 1  
 Land Measure: 3.90A  
 Group Code:  
 Census Tract: 4025  
 Use Code: 0142 (SFR GRADE 010-4 URBAN NON-SUBDIVIDED)  
 File Id: 1  
 Date of Last Change: 5/28/2008

## Residential Characteristics:

Property Appraiser: Rich B. Phone: (520)724-3041

Appraisal Date:	11/9/2010	Property Type:	Single Family Residence
Processed:	11/10/2010	Area ID:	Ed 6-010035-16-4
Building Class:	4	Physical Condition:	Good
Total Livable Area:	2,575	Garage Type:	Garage
Effective Construction Year:	1972	Garage Capacity:	2
Stories:	1.0	Patio Type:	Covered
Rooms:	8	Patio Number:	3
Quality:	Good	Pool Area:	450
Exterior Walls:	Adobe	Valuation Type:	03
Roof Type:	Built Up	Total Main:	\$337,290
Heating:	Forced	Total Control:	\$337,290
Cooling:	Refrigeration	Total Actual:	\$347,409
Bath Fixtures:	10	FCV Adjustment Factor:	1.000
Enhancement:	\$0	Last Action:	0226

## Valuation Area:

Condo Market: 13  
 DOR Market: 12  
 MFR Neighborhood: NC\_LA\_MADERA  
 SFR Neighborhood: 01003516  
 SFR District: 6

## Supervisor District:

(1) ALLY MILLER

## Recording Information:

Sequence No.	Docket	Page	Date Recorded	Type
20080830856	13295	4509	4/29/2008	WARRANTY DEED
0	7700	124	1/14/1988	

Parcel Note: Click to see/expand 2 note(s)

Tax Area: 1601

Location

DR 87 AC SEC 18-13-15

Parcel Note: Click to see/expand 2 note(s)

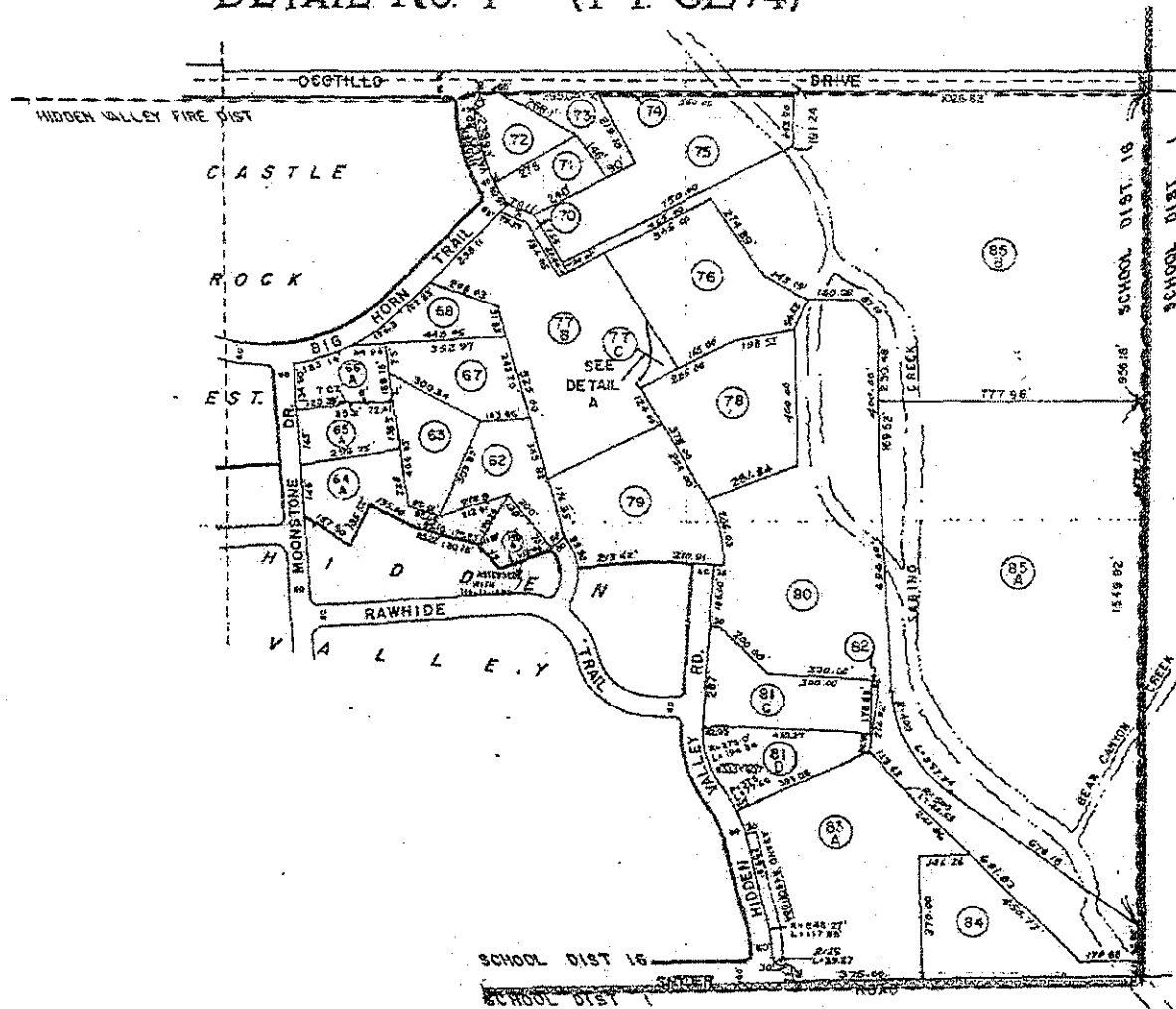
# ASSESSOR'S RECORD MAP

148

114-12

SECTION 16, TOWNSHIP 13 SOUTH, RANGE 15 EAST

DETAIL No. 1 (Pt SE $\frac{1}{4}$ )



DETAIL  
A  
NOT TO  
SCALE



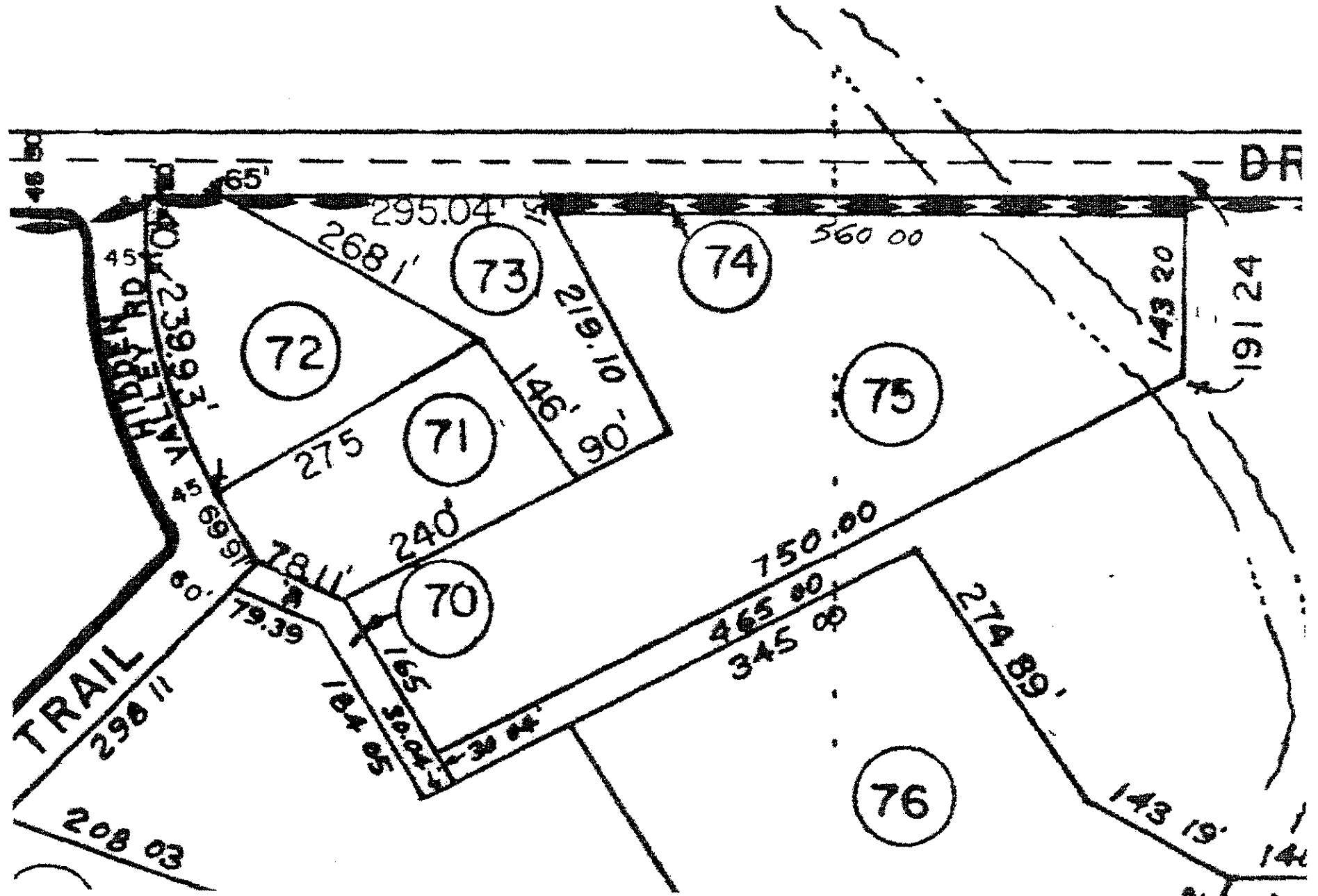
NOTE: Drawn by H.C. 11-11-11



2004-1

C.O.T.  
PROJECT  
PHASE II

SCANNED  
4/24/13



July 28, 2015

Mr. Chris Poirier, Assistant Planning Director  
Pima County Department of Development Services -  
Planning Division  
201 N. Stone Ave, 2nd Floor  
Tucson, Arizona 85701

Re: Rezoning of Parcel 114-12-0750, located east of the intersection of Ocotillo Drive  
and Hidden Valley Rd.

Dear Mr. Poirier:

Please consider Michael Marks, AICP of MJM Consulting, Inc. and Stacey & Brad  
Copley as duly authorized to act on behalf of the ownership in processing a rezoning  
for the above referenced property. We, the undersigned, are the sole trustees of the  
Jewell Revocable Trust, as is indicated by the attached Trust document. Thanks.

Sincerely,

William C. Jewell

William C. Jewell, Trustee

Eleanor C. Jewell

Eleanor C. Jewell, Trustee

7-28-15

Date

7-29-15

Date



F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: JCC  
DEPUTY RECORDER  
0305 PE6

REZMS  
EZ MESSENGER ATTORNEY SERVICE  
EZ-DUFFIELD



DOCKET: 13295  
PAGE: 4509  
NO. OF PAGES: 3  
SEQUENCE: 20080830866  
04/29/2008  
WTDEED 18:00  
PICKUP  
AMOUNT PAID \$ 12.00

When recorded, mail to:  
Johnny N. Helenbolt, Esq.  
**DUFFIELD YOUNG ADAMSON, P.C.**  
3430 E. Sunrise Dr., Suite 200  
Tucson, Arizona 85718

Exempt from Affidavit of Value pursuant to A.R.S. §11-1134(B)(8)

## SPECIAL WARRANTY DEED

For the consideration of Ten Dollars (\$10.00), and other valuable considerations, we, **William C. Jewell and Eleanor C. Jewell**, his wife, do hereby CONVEY unto **William C. Jewell and Eleanor C. Jewell**, Co-Trustees of **The Jewell Revocable Trust Agreement Dated April 21, 2008**, all of our right, title and interest in the following real property situated in Pima County, Arizona, together with all rights and privileges appurtenant thereto:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO all taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, all leases, and matters which an accurate survey of the property or a physical inspection of the property would disclose.

The names and addresses of the beneficiaries of the foregoing Trust are as follows:  
William C. Jewell and Eleanor C. Jewell, 5180 N. Hidden Valley Road, Tucson, Arizona 85750.

Grantors hereby bind themselves and their successors to warrant and defend the title, as against all acts of the Grantors herein and no other, subject to the matters above set forth.



EXHIBIT "A"

DESCRIPTION

All of that portion of the Southeast quarter of Section 16, Township 13 South, Range 15 East, Gila and Salt River Base Meridian, Pima County, Arizona described as follows:

Commencing at the North end of the centerline of Hidden Valley Road as shown on the plat of Hidden Valley, according to Book 18 of Maps, page 72, records of Pima County, Arizona;

Thence Northwesterly around a curve to the left whose radius is 300.00 feet a distance of 179.16 feet to a point of tangency;

Thence North 30 degrees 35 minutes 00 seconds West 778.00 feet;

Thence North 59 degrees 25 minutes 00 seconds East 45.00 feet;

Thence North 30 degrees 25 minutes 00 seconds West 30.04 feet to a point, said point being the TRUE POINT OF BEGINNING;

Thence North 62 degrees 15 minutes 40 seconds East 750.00 feet;

Thence North 0 degrees 56 minutes 11 seconds East a distance of 143.20 feet to a point that is 45.00 feet Southerly of the North line of the Southeast quarter of said Section 16;

Thence South 89 degrees 43 minutes 26 seconds West along a line parallel with and 45.00 feet Southerly of said North line of the Southeast quarter of Section 16, a distance 560.00 feet;

Thence South 27 degrees 44 minutes 20 seconds East 219.10 feet;

Thence South 62 degrees 15 minutes 40 seconds West 330.00 feet;

Thence South 30 degrees 35 minutes 00 seconds East 165.00 feet to the TRUE POINT OF BEGINNING.

11-0150 0100001

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

**HEARING** September 30, 2015

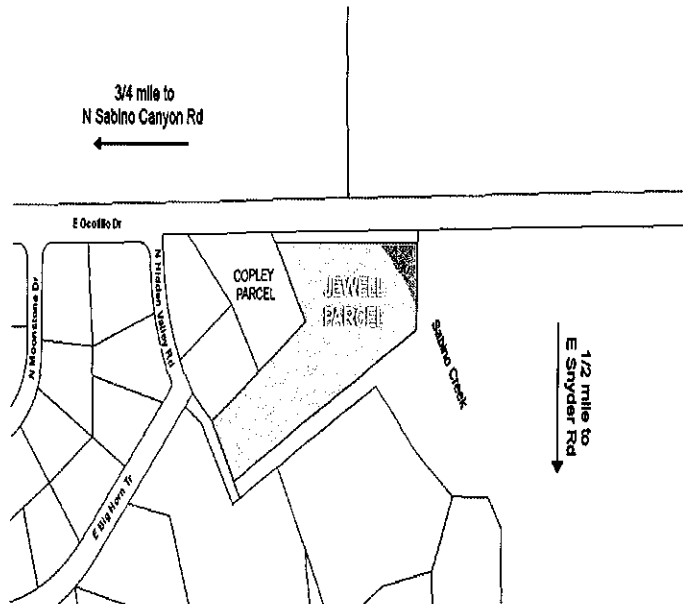
**DISTRICT** 1

**CASE** P15RZ00002 Jewell  
Revoc Tr – N. Hidden  
Valley Road Rezoning

**REQUEST** Rezone from SR  
(Suburban Ranch) to  
CR-1 (Single Residence)  
(3.9 acres)

**OWNER** Jewell Revoc TR  
6760 E. Loma Del Bribon  
Tucson, AZ 85750-6371

**APPLICANT** MJM Consulting, Inc.  
Attn: Michael Marks, AICP  
7002 E. 4<sup>th</sup> Street  
Tucson, AZ 85710



**APPLICANT'S PROPOSED USE**

To remain as is except for possible addition and/or guest house.

**APPLICANT'S STATED REASON**

A portion of the property will be split and sold to the adjacent Copley property leaving the Residual Parcel sub-standard (less than the minimum SR lot area) without the rezoning.

**COMPREHENSIVE PLAN DESIGNATION**

The recently approved Pima Prospers Comprehensive Plan Update amended the plan designations of the parcel from Low Intensity Urban-1.2 (LIU-1.2) and Resource Transition (RT) to Low Intensity Urban-1.2 (LIU-1.2) and Resource Sensitive (RS). The requested CR-1 zone and proposed Sketch Plan for the property conform to the LIU-1.2 and RS plan designations. A map and descriptions for LIU-1.2 and both RS and RT are attached.

The current Jewell property is primarily in the LIU-1.2 designation. LIU-1.2 allows a maximum density of 1.2 residences per acre (RAC). The objective of LIU is to designate areas for low density residential and other compatible uses while providing incentives for more natural open space. A smaller northeast section of the parcel is recognized as RS, which designates key parcels with environmentally sensitive characteristics in close proximity to public preserves or other sensitive areas. RS allows a maximum RAC of 0.3. Existing and proposed development of the current parcel consists of one single-family residence with a potential guest house and additions to the home. The remainder of the site is committed to Natural Open Space (NOS). Once the Jewell property is split, the Residual Parcel with the single family residence will entirely consist of LIU-1.2; and the Transfer Parcel with Sabino Creek and NOS will comprise of LIU-1.2 and RS.

### **SURROUNDING LAND USES/GENERAL CHARACTER**

North:	SR	Open Space/Wash/Low Density Residential
South:	SR	Low Density Residential
East:	SR	Open Space/Wash/Low Density Residential
West:	CR-1	Low Density Residential

### **PREVIOUS REZONING CASES ON PROPERTY**

None

### **PREVIOUS REZONING CASES IN GENERAL AREA**

#### **Recent activity:**

None

#### **Past activity:**

There has been a substantial amount of land adjacent to the Jewell site that has been rezoned from the original SR to CR-1, including the Copley property. An attached map shows properties within one-half mile of the site for which rezoning requests from SR to CR-1 have been approved from 1957 to the 1980s.

### **STAFF REPORT SUMMARY**

Staff recommends **APPROVAL with conditions**. The applicant proposes a CR-1 (Single Residence) rezoning on a 3.90 acre site south of E. Ocotillo Drive, approximately  $\frac{3}{4}$  miles east of Sabino Canyon Road. No new development is proposed. The rezoning is to allow a split to facilitate the transfer of a piece of property. The applicant proposes to split the property into two lots. One of the two lots, referred to as the "Residual Parcel", would be a sub-standard SR lot (minimum of 144,000 sf) in size, therefore first obtaining a CR-1 rezoning is necessary to conform to zoning standards (minimum of 36,000 sf). The Residual Parcel is estimated at approximately 53,000 sf. The second lot, referred to as the "Transfer Parcel", will then be purchased by the adjacent Copley property who will combine the Transfer Parcel with their existing parcel. As one expanded parcel, there will be no further development of the Copley property in terms of lot splitting or the creation of another primary residence. The Jewells will retain the Residual Parcel. Access to the proposed Jewell-Residual and expanded Copley parcels will remain the same, as depicted in the Sketch Plan. The Transfer Parcel will have pedestrian access through the Copley property once they are combined.

The current .26 RAC for the existing Jewell site is within the 0 to 1.2 and 0 to 0.3 RAC ranges required for the respective LIU-1.2 and RS plan designations. If a lot split is achieved, the Residual (LIU-1.2) and Transfer (LIU-1.2/RS) parcels will continue to conform to their land use designations. Low density residential and open space SR land uses in the vicinity of the property coincide with the Sabino Creek corridor running north to the boundary of the Coronado National Forest. The subject property also abuts neighboring CR-1 properties. The overall site is relatively flat with no slopes greater than 15%. There are no rock outcropping or unusual landforms or features. Floodplains and erosion hazard setbacks are associated with the adjacent Sabino Creek in the area committed to open space.

The present Jewell property is entirely located within the Maeveen Marie Behan Conservation Lands System (CLS), except for an area along the west boundary near the single family residence of about .05 acres. Important Riparian Area (IRA) and Biological Core are designations that apply to the site. Most of the proposed Transfer Parcel is designated as IRA and will remain undisturbed and classified as NOS. There are some obvious disturbances due to the installation of a sewer line and

possibly other utilities, yet the natural vegetation of the riparian areas are largely intact and in comparable condition to that of the adjacent Sabino Creek corridor. Staff recommends condition #6 to achieve compliance with the CLS guidelines by providing a minimum of 2.81 acres as perpetual NOS, as shown on the Sketch Plan, to be conserved by a separately recorded legal instrument that is approved by the Pima County Planning Director or his/her designee. More information is provided in the Environmental Planning Report below.

The Residual Parcel will be retained by the Jewells and has an existing single family home, pool, and an accessory structure. A minor wash traverses natural vegetation in the northeast corner of the lot near the future split line. Future additions to the residual property as reflected on the Sketch Plan lie within the IRA designation and will be regulated under the Watercourse and Riparian Habitat Protection and Mitigation Requirements.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

<b>CONCURRENCY CONSIDERATIONS</b>		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS AND RECREATION	Yes	No objection
WATER	Yes	No objection
SCHOOLS	N/A	N/A
AIR QUALITY	N/A	N/A

**TRANSPORTATION REPORT**

The Pima County Department of Transportation has no objection to this rezoning request. This is a simple split/lot line adjustment and will not have any impact on traffic. No new uses are proposed, and no new buildable lots will be created through this action. Access and circulation patterns will not be altered.

**FLOOD CONTROL REPORT**

The Regional Flood Control District (District) has reviewed the subject request and has the following comments:

1. The area to be transferred from the Jewell parcel to the Copley's with the exception of the sewer easement is almost entirely PCRRH IRA, floodplains, erosion hazard setbacks and floodway

associated with a major regulatory watercourse. Development potential is highly restricted and the District supports protection via a conservation easement, or other similar instrument, and therefore the request.

2. We have been asked if the District should be the beneficiary of this easement. As it is not a drainage easement we recommend it be granted to the County but defer to the Planning Division. We do suggest that the conservation easement or similar instrument should acknowledge that the sewer and/or other utility easements should not be restricted by this instrument to allow maintenance.
3. The area to remain with the original owner is also constrained by a minor watercourse for which floodplains and regulatory status have not been determined; however it is also almost entirely within IRA.
4. While no special conditions are recommended it should be noted that development within the rezoning area will require review and approval by the District due to the constraints noted above.

#### **WASTEWATER RECLAMATION REPORT**

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed application for the above referenced rezoning case and offers the following comments for your use. The purpose of the rezoning is to facilitate the sale of a portion of the transfer parcel (114-12-0750) to the owners of the adjoining parcel (114-12-0730) and avoid the creation of a sub-standard SR lot. The portion of the transfer parcel is planned to be preserved as open space.

The existing residence on the subject parcel is currently served by a private septic system. An existing 8-inch public sewer line bisects the transfer parcel. The applicant's submittal indicates a possible addition to the existing residence and/or construction of a guest house. Please note that connection to a public sewer is required if a public sewer with available capacity is located within two hundred feet of a property line (P.C Code 7.21.037.D).

The PCRWRD has no objection to this rezoning request.

#### **ENVIRONMENTAL PLANNING REPORT**

##### *Site Conservation Values and Landscape Context*

- Nearly the entire 4.04-acre site lies within the CLS; designations are Biological Core Management Area (0.27 acres) & Important Riparian Area (3.27 acres). Approximately 0.05 acres is Outside the CLS.
- 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.
- On-site resource conditions: Riparian areas are largely intact and in comparable condition to that of the Sabino Creek corridor. The western portion of the property which the applicant refers to as the Residual Property has an existing structure, pool, and an accessory structure; vegetative structural diversity in this area is largely absent due to previous clearing and is limited to bare ground and several trees around the residence.
- The site is not within nor is it adjacent to any Pima County Preserve properties. The County/RFCD owns and manages other properties in this area along Sabino Creek for

conservation mostly along the eastern area of the creek.

- The site is not identified for acquisition under the 2004 Open Space Conservation Bond Program but is identified for acquisition under the proposed 2015 Open Space Conservation Bond Program.
- Landscape context: Land uses in the vicinity of the subject property are solely residential. It is part of those SR properties that coincide with the Sabino Creek corridor running north to the boundary with the Coronado National Forest; the subject property abuts neighboring CR-1 properties.

#### *Potential Impact to Biological Resources and CLS*

According to the Sketch Plan, nearly 75% (approx. 2.97 ac) of the subject property will remain free of development and is conserved either as designated natural open space (approx. 2.81 ac) and rear yard setbacks (approx. 0.16 ac). Intended future development on the remainder of the property as reflected on the Sketch Plan lies within IRA designated areas which RFCF regulates under the Watercourse and Riparian Habitat Protection and Mitigation Requirements (Title 16; Ch. 16.30). Future impacts in the IRA would likely trigger additional mitigation. Taken collectively, these riparian mitigation efforts are consistent with the IRA Conservation Guidelines and are expected to benefit the Sabino Creek riparian corridor. The proposed rezoning, therefore, is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.

#### *Recommendations*

Should the Board of Supervisors approve this rezoning request, the following should be included as a Special Condition:

- Future development shall substantively conform to the Sketch Plan included in the application for this rezoning.
- The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 2.81 acres as perpetual Natural Open Space (NOS), as shown on the Sketch Plan, to be conserved by a separately recorded legal instrument that is approved by the Pima County Planning Director or his/her designee. Said instrument shall grant Pima County the right to enter onto the designated NOS property, as the need arises, to inspect said property to determine compliance with the 'natural open space' status. Said instrument shall be recorded prior to the adoption of the final rezoning ordinance.

#### **CULTURAL RESOURCES REPORT**

The subject property is located within a quarter mile of a known archaeological site and is within a high sensitivity area. The property itself has never been surveyed and so it is unknown as to whether subsurface remains exist here. However, since part of the rezoning request will include a Transfer Parcel dedicated to Natural Undisturbed Open Space and because no major construction is planned on this subject property, it is unlikely that cultural resources (if they exist) would be disturbed.

The following condition is recommended for this rezoning:

In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities



must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

#### **NATURAL RESOURCES, PARKS AND RECREATION REPORT**

Natural Resources, Parks and Recreation has no objection to this request.

#### **UNITED STATES FISH AND WILDLIFE SERVICE REPORT**

Staff has not received a response to a request for comments.

#### **TUCSON WATER REPORT**

Tucson Water has no objection to the proposed rezoning.

#### **FIRE DISTRICT REPORT**

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and has no objections to the rezoning request. Any future structures or building additions for this lot may be subject to fire code requirements. This property is within the boundaries of the Hidden Valley Fire District and is under contract with Rural/Metro on all matters. As of April 7, 2007 the 2003 edition of the International Fire Code shall be the applicable fire code for this area.

#### **PUBLIC COMMENT**

As of the writing of this staff report, staff has not received any public comments.

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

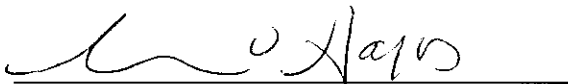
Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
5. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Environmental Planning conditions:  
The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 2.81 acres as perpetual Natural Open Space (NOS), as shown on the Sketch Plan, to be conserved by a separately recorded legal instrument that is approved by the Pima County Planning Director or his/her designee. Said instrument shall grant Pima County the right to enter onto the designated NOS property, as the need arises, to inspect said property to determine compliance with the 'natural open space' status. Said instrument shall be recorded prior to the adoption of the final rezoning ordinance.
7. Cultural Resources condition:  
In the event that human remains, including human skeletal remains, cremations, and/or

ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

8. Adherence to the Sketch Plan as approved at public hearing.
9. 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)."
10. 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.

Respectfully Submitted,

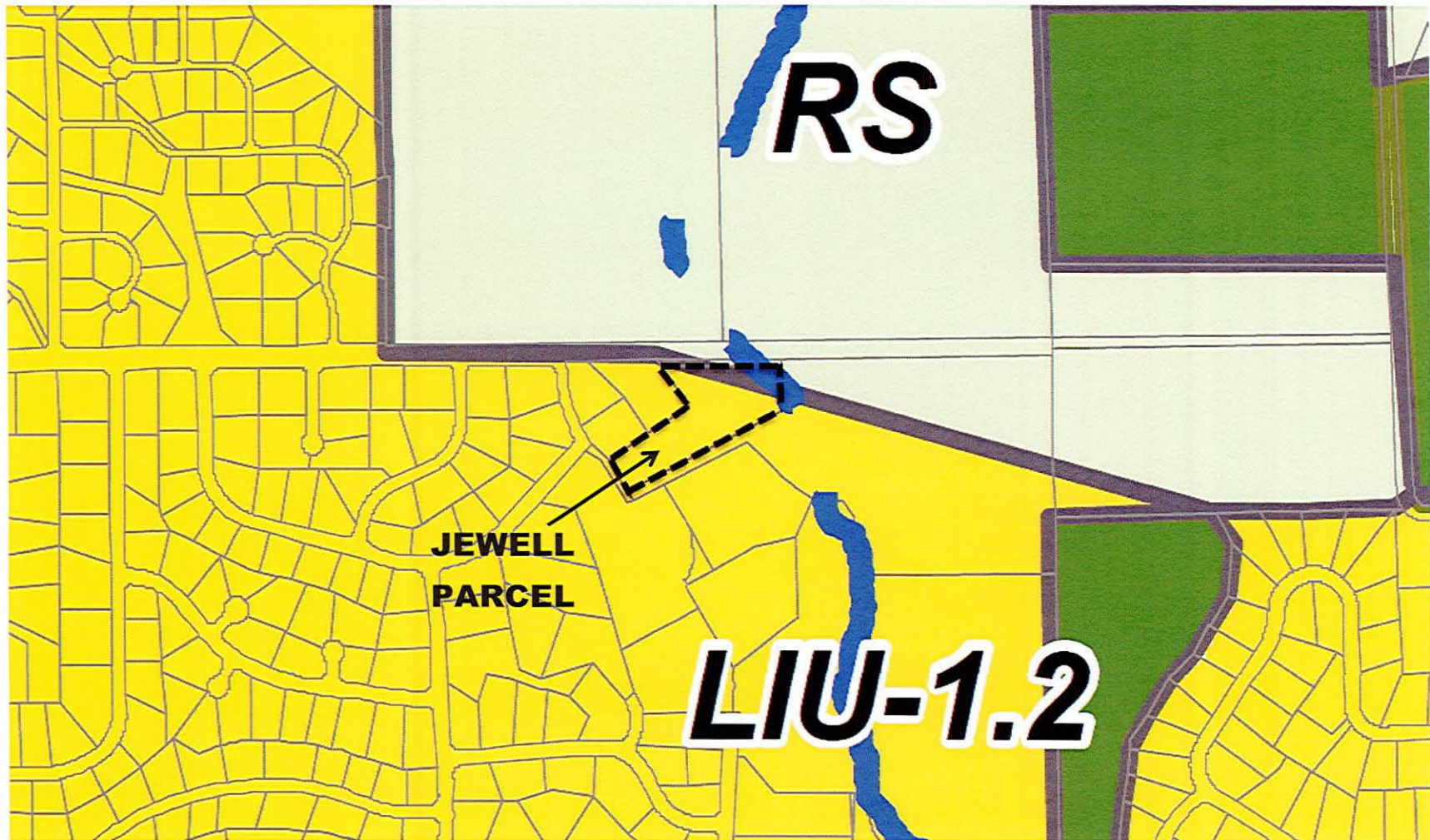


Artemio Hoyos, AICP  
Case Planner

Cc: MJM Consulting, Inc., Attn: Michael Marks, AICP, 7002 E. 4<sup>th</sup> Street, Tucson, AZ 85710

COMPREHENSIVE PLAN MAP

P15RZ00002 – JEWELL REVOC TR



## COMPREHENSIVE PLAN LAND-USE CATEGORY DEFINITION

### Low Intensity Urban

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 be contiguous with other dedicated natural open space and public preserves.

#### A. *Low Intensity Urban 1.2 (LIU-1.2)*

##### 1. Residential Gross Density:

- a. Minimum – none
- b. Maximum – 1.2 RAC. The maximum gross density may be increased in accordance with the following options:
  - i. Gross density of 2.5 RAC with 45 percent open space; or
  - ii. Gross density of 4 RAC with 60 percent open space.

##### 2. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:

- a. Minimum density – none
- b. Maximum – 1.2 RAC. The maximum gross density may be increased in accordance with the following option:
  - i. Gross density of 2 RAC with 50 percent open space.

### Resource Sensitive (RS)

Objective: To designate key larger parcels and land holdings with environmentally sensitive characteristics in close proximity to public preserves or other environmentally sensitive areas. Development of such land shall emphasize design that blends with the surrounding natural desert and provides connectivity to environmentally sensitive linkages in developing areas.

#### A. Residential Gross Density:

1. Minimum – none
2. Maximum - 0.3 RAC

#### B. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:

1. Minimum – none
2. Maximum – 0.3 RAC

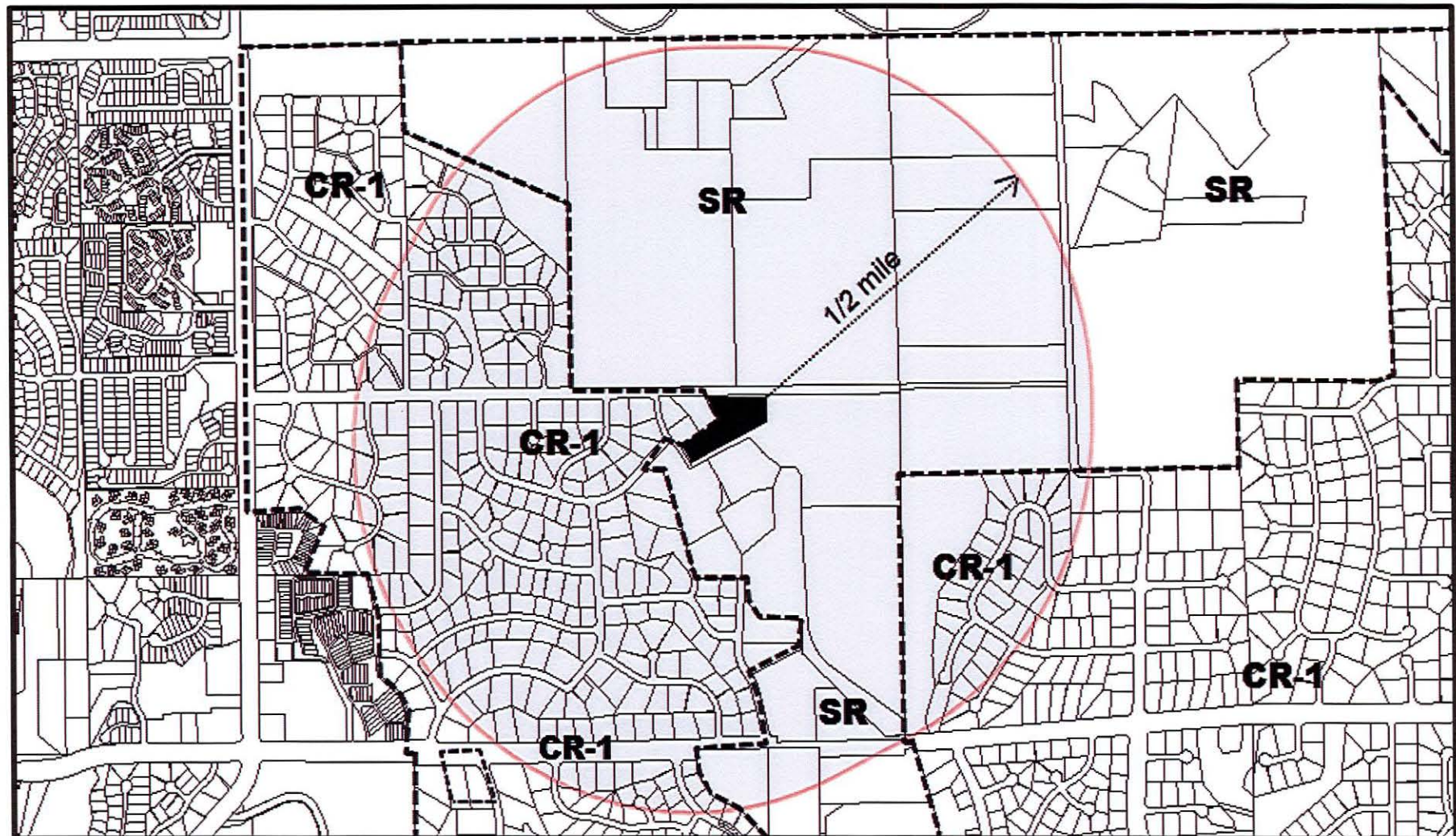
### Resource Transition (RT)

Purpose: Private land with environmentally sensitive characteristics that include wildlife corridors, natural washes, floodplains, peaks and ridges, buffers to public preserves, and other environmentally sensitive areas. Development of such land shall emphasize design that blends with the natural landscape and supports environmentally sensitive linkages in developing areas.

- A. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
  - 1. Minimum – none
  - 2. Maximum - 0.3 RAC
- B. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements:
  - 1. Minimum – none
  - 2. Maximum – 0.3 RAC
- C. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
  - 1. RH Rural Homestead Zone
  - 2. SR Suburban Ranch Zone
  - 3. MR Major Resort
- D. Open Space Standard for MR Major Resort Zone: In Resource Transition a minimum of 30 percent natural open space shall be required within areas rezoned MR Major Resort Zone. Open space for purposes of this requirement shall be natural open space.



**½ Mile Rezoning – SR to CR-1  
(1950s – 1980s)**



NEIGHBORHOOD MEETING  
Packet

**JEWELL/COPLEY-HIDDEN VALLEY ROAD  
NOTIFICATION LIST FOR OWNERS WITHIN 300 FEET**

114-12-085B

**Robert & Kathleen Brei**  
5100 N. Hidden Valley Road  
Tucson, AZ 85750

114-12-0760

**Scott Carlson & Vicki Loyer-Carlson**  
5150 N. Hidden Valley Road  
Tucson, AZ 85750

114-12-077B

**Ronald & Anne Price**  
5033 N. Hidden Valley Road  
Tucson, AZ 85750

114-12-0710

**Mitchell Canin**  
5140 N. Hidden Valley Road  
Tucson, AZ 85750

114-12-0720

**Thomas Cafesjian**  
5190 N. Hidden Valley Road  
Tucson, AZ 85750

114-12-0480

**Ellen Ehrlich**  
5155 N. Hidden Valley Road  
Tucson, AZ 85750

114-12-0470

**Robert & Christie Sukey**  
5145 N. Hidden Valley Road  
Tucson, AZ 85750

114-12-0460

**Edward & Janice Sosnowski**  
8361 E. Big Horn Trail  
7141 W. Keeney St  
Niles IL 60714

114-12-0680

**Colleen & Brian Cagno**  
8340 E. Big Horn Trail  
Tucson, AZ 85750



September 9, 2015

Re: Rezoning of the Jewell Parcel at 5180 N. Hidden Valley Road

Dear Sabino Recovery neighbors:

We want to tell you about a rezoning of the Jewell Property that we, Brad & Stacey Copley, are working on jointly with Bill & Ellie Jewell. After talking with Bill & Ellie about our interest in a portion of their parcel, which is basically the floodplain property behind our house at 8410 E. Ocotillo Dr., the Jewells have authorized us to rezone their property from SR to CR-1, which is also the zone on our property.

We have hired Michael Marks of MJM Consulting, Inc, to help us with this rezoning. He has already submitted the application to the Pima County Planning Department and there will be a public hearing before the Planning & Zoning Commission on September 30, 2015.

Because of the size and type of rezoning, there is no requirement for a neighborhood meeting. Nonetheless, we want to reach out to all of the owners of properties that abut both the Jewell and Copley properties so you know of our plans ahead of time. Hopefully, after you understand these plans, you will agree that the goals of this rezoning are good.

The purpose of the rezoning is to allow the Jewells to sell a portion of their property to us and for them to be left with enough land to meet the zoning restrictions, specifically the minimum lot size. That would not happen with the existing SR zone but would with a CR-1 zoning. Therefore, a CR-1 rezoning is needed and once that is approved, the sale can take place.

The reason we want to buy this 'Transfer Parcel' is that we want it to remain as natural open space in perpetuity. We want to look out the back of our house and see the beauty of the native vegetation. And we want to be the ones that oversee this property and insure that it remains as natural open space.

We also want to assure you that this 'Transfer Parcel', once purchased and attached to our current property, will not be used for any future development or lot splits. We are very satisfied with the house we live in now, and while we can't say we would never want to modify it or add to it, we will not build anything on the 'Transfer Property'.

Our goals are to protect this land and keep it in its natural state. We hope you can agree this is a good thing. We would be very happy to meet with you to discuss this rezoning further if you would like. Please give either of us a call and let us know when you'd like to get together.

To the Neighbors Surrounding the Jewell & Copley Properties

September 9, 2015

Re: Rezoning of the Jewell Parcel at 5180 N. Hidden Valley Road

Page 2

Enclosed with this letter are several exhibits, which will make the rezoning clearer. They are:

1. A copy of the Authorization Letter from the Jewells so you can see that they are working with us on this rezoning effort.
2. An AERIAL PHOTO exhibit showing the boundaries of both the Jewell Parcel and the Copley Parcel.
3. An exhibit entitled JEWELL PARCEL SPLIT MAP showing the area planning to be sold by the Jewells to the Copleys (labeled 'Transfer Parcel') and the area to remain after the sale (labeled the 'Residual Parcel'). These areas are still in the preliminary state and they won't be finalized until after a boundary survey is conducted which we will have done once we are successful with the rezoning.
4. An exhibit entitled SKETCH PLAN which shows the existing residence and accessory, a possible addition to the residence and a possible guest house, the future Jewell Parcel rear lot line, and the so-called 'Transfer Parcel' labeled by Keynote #6 signifying 'Natural Undisturbed Open Space with Heavy Vegetation'. The 'Possible Future Addition' and the 'Possible Future Guest House' are shown to preserve the Jewells rights to such improvements. However, there are no plans for any such improvements at this point.

Thank you and please contact either of us if you have any questions.

Sincerely,

Stacey Copley, 520-360-1790  
[stacey\\_copley@yahoo.com](mailto:stacey_copley@yahoo.com)

Brad Copley, 520-631-1468  
[brad.copley@yahoo.com](mailto:brad.copley@yahoo.com)

July 28, 2015

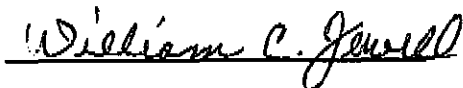
Mr. Chris Poirier, Assistant Planning Director  
Pima County Department of Development Services -  
Planning Division  
201 N. Stone Ave, 2nd Floor  
Tucson, Arizona 85701

Re: Rezoning of Parcel 114-12-0750, located east of the intersection of Ocotillo Drive  
and Hidden Valley Rd.

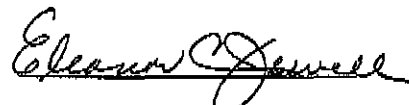
Dear Mr. Poirier:

Please consider Michael Marks, AICP of MJM Consulting, Inc. and Stacey & Brad  
Copley as duly authorized to act on behalf of the ownership in processing a rezoning  
for the above referenced property. We, the undersigned, are the sole trustees of the  
Jewell Revocable Trust, as is indicated by the attached Trust document. Thanks.

Sincerely,



William C. Jewell, Trustee



Eleanor C. Jewell, Trustee

7-28-15

Date

7-29-15

Date

This is the minor wash referred to in the  
Project Description



**VJM** CONSULTING, INC.  
Land Planning and Development Services  
7002 E. 4th Street Tucson, Arizona 85710 Phone: 520-885-5021

*Jewell/Copley Project*

*Aerial Photo*

