



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 11/16/2021

\*= Mandatory, information must be provided

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

**\*Title:**

P21CA00006 HOYTE – S. KOLB ROAD PLAN AMENDMENT

**\*Introduction/Background:**

Seth Hoyte, represented by Kale Investment Company LLC, request a Comprehensive Plan amendment to repeal Rezoning Policy RP-87 S. Kolb Road/E. Sahuarita Road, on approximately 20.01 acres (parcel numbers 305-22-1000, -1030, -1050 and -1060) located on the west side of S. Kolb Road, approximately 3000 feet north of E. Sahuarita Road, in Section 07, Township 17 South, Range 15 East, in the Southeast Planning Area.

**\*Discussion:**

The plan amendment site is part of a larger approximately 150-acre area that had a plan amendment in 2006 which enacted RP-87, and was rezoned in 2007 from RH (Rural Homestead) to GR-1 (Rural Residential). The GR-1 rezoning was never finalized and closure was requested in 2019. The 20.01-acre amendment site had been separated and sold, and was not part of the rezoning closure. The applicant requests the repeal of the policy to pursue closure and rezoning on the 20.01-acre site.

**\*Conclusion:**

The Rezoning Policy is no longer appropriate for the larger area, nor for the amendment site, in that the proposed residential density will no longer be developed with the closure of the rezoning.

**\*Recommendation:**

Staff and the Planning and Zoning Commission recommend MODIFIED APPROVAL subject to an amended Comprehensive Plan policy.

**\*Fiscal Impact:**

None

**\*Board of Supervisor District:**

1    2    3    4    5    All

Department: Development Services

Telephone: 724-8800

Contact: Thomas Drzazgowski

Telephone: 724-6675

Department Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_

10/26/21

Deputy County Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

10/27/2021

County Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

10/27/2021



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**TO:** Honorable Steve Christy, Supervisor, District 4  
**FROM:** Chris Poirier, Deputy Director  
Public Works-Development Services Department-Planning Division  
*Tom Draggowski*  
**DATE:** October 26, 2021  
**SUBJECT:** P21CA00006 HOYTE – S. KOLB ROAD PLAN AMENDMENT

The above referenced Comprehensive Plan amendment is within your district and is scheduled for the Board of Supervisors' **TUESDAY, NOVEMBER 16, 2021** hearing.

**REQUEST:** For a **Comprehensive Plan amendment** to repeal Rezoning Policy RP-87 S. Kolb Road/E. Sahuarita Road, on approximately 20.01 acres (parcel numbers 305-22-1000, 305-22-1030, 305-22-1050 and 305-22-1060) located on the west side of S. Kolb Road, approximately 3000 feet north of E. Sahuarita Road, in Section 07, Township 17 South, Range 15 East, in the Southeast Planning Area.

**OWNER** Seth Hoyte  
6949 E. Calle Orion  
Tucson, AZ 85710

**AGENT:** Kale Investment Company LLC  
c/o Craig Courtney  
5151 N. Oracle Road #210  
Tucson, AZ 85704

**DISTRICT:** 4

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

**PUBLIC COMMENT TO DATE:** As of October 26, 2021, staff has received no public comment.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** **MODIFIED APPROVAL SUBJECT TO AN AMENDED REZONING POLICY 8-0** (Commissioners Cook and Truitt were absent)

**STAFF RECOMMENDATION:** **MODIFIED APPROVAL SUBJECT TO AN AMENDED REZONING POLICY**

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** The subject site is located outside of the Maeveen Marie Behan Conservation Lands System.

TD/MH/ds  
Attachments



**PIMA COUNTY**

DEVELOPMENT SERVICES

**BOARD OF SUPERVISORS MEMORANDUM**

**SUBJECT: P21CA00006**

Page 1 of 2

**FOR NOVEMBER 16, 2021 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

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

**DATE:** October 26, 2021

**ADVERTISED ITEM FOR PUBLIC HEARING**

**COMPREHENSIVE PLAN AMENDMENT**

**P21CA00006 HOYTE – S. KOLB ROAD PLAN AMENDMENT**

Seth Hoyte, represented by Kale Investment Company LLC, requests a **Comprehensive Plan amendment** to repeal Rezoning Policy RP-87 S. Kolb Road/E. Sahuarita Road, on approximately 20.01 acres (parcel numbers 305-22-1000, 305-22-1030, 305-22-1050 and 305-22-1060) located on the west side of S. Kolb Road, approximately 3000 feet north of E. Sahuarita Road, in Section 07, Township 17 South, Range 15 East, in the Southeast Planning Area. On motion, the Planning and Zoning Commission voted to recommend **MODIFIED APPROVAL SUBJECT TO AN AMENDED REZONING POLICY 8-0** (Commissioners Cook and Truitt were absent). Staff recommends **MODIFIED APPROVAL SUBJECT TO AN AMENDED REZONING POLICY**.  
(District 4)

**Planning and Zoning Commission Public Hearing Summary (September 29, 2021)**

Due to the ongoing COVID-17 pandemic, the public hearing was held remotely via Microsoft Teams; the applicants participated by phone.

Staff presented information on the plan amendment request and stated that the recommendation was to repeal the original rezoning policies, but to amend the Department of Transportation policy to require a Traffic Memorandum should the applicant choose to pursue the original GR-1 (Conditional) rezoning.

A commissioner asked why the 20-acre site was not included in the closure of the rezoning and reversion to the RH (Rural Homestead) zone with the remainder of the area. Staff stated that the owner was contacted a number of times during the closure, but the owner was in litigation on the property with the prior owner and did not want to change the land use conditions on the site during the litigation process.

The applicant spoke regarding the repeal of the 2006 rezoning policies, to allow the owner to pursue a rezoning on 6 acres and closure of the GR-1 (Conditional) rezoning on the remainder.

The applicant also requested that the amended Department of Transportation policy regarding a Traffic Memorandum be removed, in that moving forward with the GR-1 rezoning would require Board of Supervisors' actions that would allow the department to enact new rezoning conditions regarding transportation.

The commission opened the public hearing and no one requested to speak.

A commissioner asked about the effect of repealing the amended transportation policy. Staff responded that the policy is benign, but is important to have on the record that the commission is in support of the policy.

The applicant requested the policy be amended to state that the policy cover the entire 20-acre amendment site, rather than any smaller portion of the site. Staff responded that it would be cleaner to leave the amended policy in place.

The commission closed the public hearing.

Commissioner Gungle made a motion to recommend **MODIFIED APPROVAL SUBJECT TO AN AMENDED REZONING POLICY**; Commissioner Matter gave second.

Upon a roll call vote, the motion to recommend **MODIFIED APPROVAL SUBJECT TO AN AMENDED REZONING POLICY** passed 8-0 (Commissioners Cook and Truitt were absent):

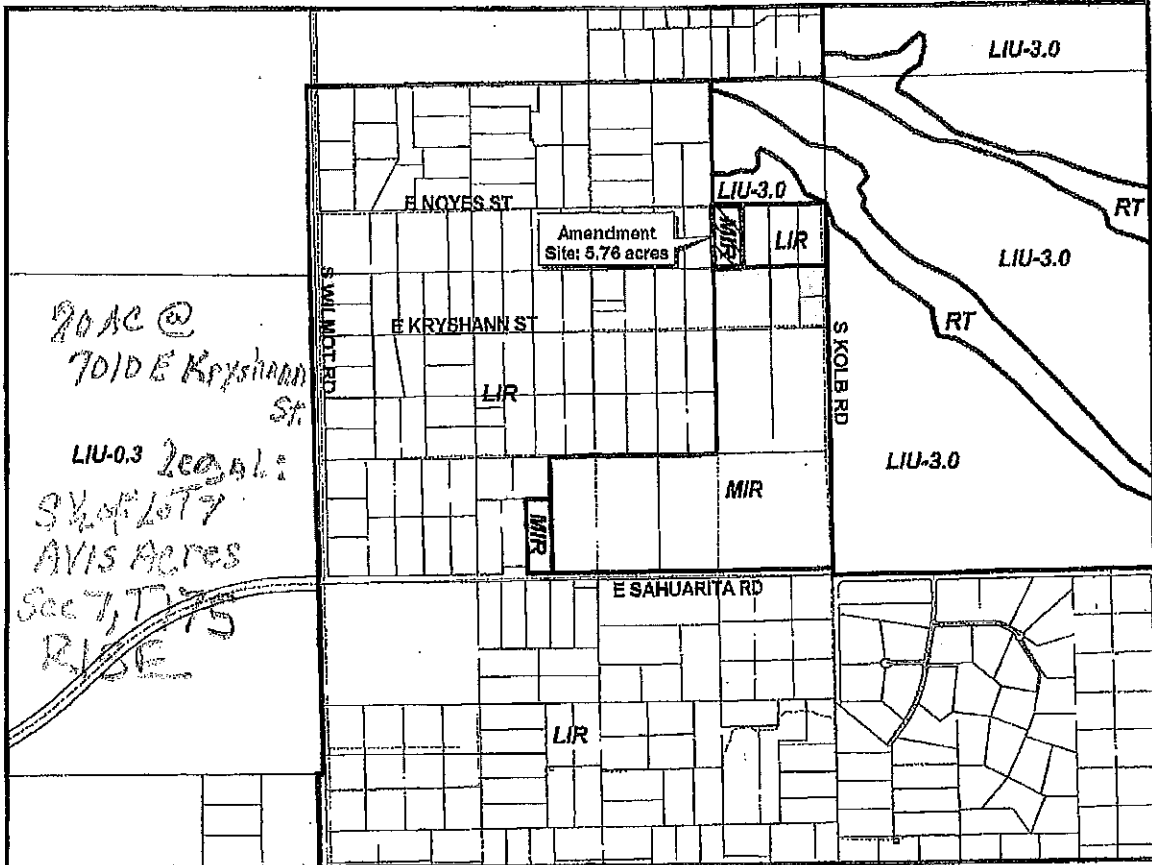
A Traffic Memorandum (TM) shall be submitted with the first submittal of a subdivision plat or development plan if finalized GR-1 (Rural Residential – Restricted) rezoning is sought. The TM shall be prepared in conformance with Pima County Subdivision and Development Street Standards.


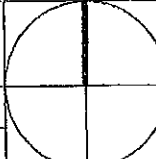
TD/MH/ds  
Attachments

c: Seth Hoyte 6949 E Calle Orion Tucson AZ [racingislife66@icloud.com](mailto:racingislife66@icloud.com)  
Kale Investment Company LLC, c/o Craig Courtney 5151 N Oracle Road #210 Tucson AZ

# COMPREHENSIVE PLAN AMENDMENT

## Planned Land Use Map Exhibit "B"

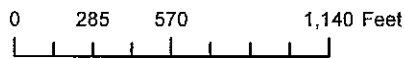



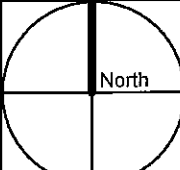
Tax Code: 305-22-0990	<b>Co7-07-12 BEECROFT - E. NOYES STREET PLAN AMENDMENT</b>	Located approximately 1,000 feet west of S. Kolb Road and approximately 3,200 feet north of E. Sahuarita Road
	Amend from Low Intensity Rural (LIR) to Medium Intensity Rural (MIR) - 5.76 acres	
	<b>Rincon Southeast/Santa Rita Subregion T17S, R15E, Section 7</b>	
	P&Z Hearing Date: September 28, 2007	Scale: 10,000
BOS Hearing Date: November 13, 2007	Date: December 28, 2007	

T17S R15E

# COMPREHENSIVE PLAN AMENDMENT

## Planned Land Use



<p>Taxcodes: 305-22-1000, 305-22-1030, 305-22-1050 &amp; 305-22-1060</p>	<p><b>P21CA00006 HOYTE - S. KOLB ROAD PLAN AMENDMENT</b></p>	<p>Districts 4 Location: West side of S. Kolb Road, approximately 3,000 feet north of E. Sahuarita Road</p>	
<p>Request: Repeal Rezoning Policy RP-87 S. Kolb Road/E. Sahuarita Road</p>			
	<p>Southeast Planning Area under Pima Prospers Sections 7 Township 17 South, Range 15 East</p>		
<p>Planning and Zoning Commission Hearing: September 29, 2021</p>	<p>Map Scale: 1:8,000</p>		
<p>Board of Supervisors Hearing: November 16, 2021 (tentative)</p>	<p>Map Date: August 17, 2021 / dms</p>		



**2021 PLAN AMENDMENT PROGRAM**  
**PLANNING AND ZONING COMMISSION**  
**STAFF REPORT**



<b>HEARING DATE</b>	September 29, 2021
<b>CASE</b>	P21CA00006 HOYTE - S. KOLB ROAD PLAN AMENDMENT
<b>PLANNING AREA</b>	Southeast
<b>DISTRICT</b>	4
<b>LOCATION</b>	East side of S. Kolb Road, approximately 3000 feet north of E. Sahuarita Road (parcel numbers 305-22-1000, -1030, -1050 and -1060)
<b>REQUEST</b>	Repeal Rezoning Policy RP-87 S. Kolb Road/E. Sahuarita Road on approximately 20.01 acres
<b>OWNER</b>	Seth Hoyte
<b>AGENT</b>	Kale Investment Company LLC, c/o Craig Courtney

**APPLICANT’S STATED REASONS TO AMEND THE COMPREHENSIVE PLAN:**

“Request to amend under Section 18.89.040 of the Pima County Land Planning and Regulations by waiving all of the comprehensive plan policy items described in... Comprehensive Plan Amendment referenced in [Rezoning Policy RP]-87 S. Kolb Road/E. Sahuarita Road (SE) for the approximate 20.01 acres described below.

Rezoning Policy RP-87 S. Kolb Road/E. Sahuarita Road

- A. *A reduced-density residential buffer area shall be established at the northern and western amendment site boundaries, to create a transition between new residential development and the existing adjacent residential area, to be determined at time of rezoning.*
- B. *A master drainage study shall be submitted during platting and/or development plan processes to identify local floodplain, 100-year water surface elevations, and erosion hazard setbacks. It shall also address:*
  - 1. *Analysis of detention/retention requirements*
  - 2. *Need for and financing of other on-site and off-site improvements*
  - 3. *Habitat preservation*
  - 4. *Channel and drainage design*
- C. *The developer shall submit a Master Traffic Impact Study that identifies existing conditions and capacity, needed construction, and expansion to achieve necessary infrastructure. Phasing, implementation and the regional impacts of this development shall also be addressed. The study shall be submitted with the rezoning Site Analysis.”*

**STAFF REPORT:**

Staff recommends **MODIFIED APPROVAL** of the proposed Comprehensive Plan amendment to waive Rezoning Policy RP-87 S. Kolb/E. Sahuarita Road on the applicant’s 20.01-acre site, and to maintain the **Medium Intensity Rural (MIR)** land use designation amended under case Co7-06-17 Sahuarita Corners Limited Partnership and Equivest Properties LTD Partnership – S. Kolb Road Plan Amendment. Staff recommends deleting rezoning policies A and B, and retaining the following amended Department of Transportation rezoning policy:

*A Traffic Memorandum (TM) shall be submitted with the first submittal of a subdivision plat or development plan if finalized GR-1 (Rural Residential – Restricted) rezoning is sought. The TM shall be prepared in conformance with Pima County Subdivision and Development Street Standards.*

### **Public Comment**

As of September 15, 2021, staff has not received any public comment. Published and mailed notice of the proposal along with the website posting of staff's report will occur a minimum of fifteen days prior to public hearing. The website will be updated throughout the process to the Planning and Zoning Commission and the Board of Supervisors.

### **Background**

The 20.01-acre amendment site is at the north end of a larger 149.7-acre area located northwest of E. Sahuarita Road and S. Kolb Road. The larger area underwent a Comprehensive Plan amendment in 2006 (Co7-06-17) which changed the land use designation from Low Intensity Rural (LIR) to MIR subject to rezoning policies. The area was subsequently rezoned in 2007 (Co9-07-20) from RH (Rural Homestead) to GR-1 (Rural Residential); however, no action was taken to finalize the 2007 GR-1 zoning and the owner requested a closure of 129.7 acres of the rezoning in 2019, which reverted the zoning to RH.

The applicant's site was not part of the closure and reversion to RH, and it maintains GR-1 (Restricted) zoning. The applicant has expressed interest in rezoning a portion of the property under the amended MIR land use designation and developing the remainder under the former RH zoning. As the amendment to MIR included rezoning policies (i.e. policies that are approved under a plan amendment and carried forward to become conditions of the rezoning), the applicant would be required to address these policies at rezoning. The applicant has therefore opted to have these policies waived through a Comprehensive Plan amendment.

Rezoning Policy RP-87 S. Kolb/E. Sahuarita Road includes establishing a buffer of reduced residential density at the north boundary of the larger 149.7-acre amendment area (also the north boundary of the applicant's site); submitting a master drainage study to identify local floodplains, retention/detention requirements, habitat preservation, and drainage design; and, submitting a Master Traffic Impact Study with the rezoning Site Analysis.

The site is undeveloped, predominantly creosote bush with a sparse density of leguminous trees (mesquite, white-thorn acacia), mixed cactus and saguaros. The site is at an elevation of about 2,940 feet ASL, with an average cross slope around 5% and flat to slightly uneven topography. The site drains from the southeast to the northwest, and no identified washes cross the site.

### **Plan Amendment Criteria**

Staff has reviewed this plan amendment request to determine if one or more of the following criteria have been adequately met:

#### 1a. Growing Smarter Acts

n/a

#### 1b. Comprehensive Plan Policies, Special Area Policies, and Rezoning Policies

The site is covered under aforementioned Rezoning Policy RP-87 and Special Area Policy S-18E Floodplain Management – Lee Moore Wash Basin Special Study Area (see Regional Flood Control District comments, below).

#### 1c. Maeveen Marie Behan Conservation Lands System

The amendment site is located outside of the Maeveen Marie Behan Conservation Lands System.



## 2. Oversights, Inconsistencies, or Land Use Related Inequities/Changes

The Rezoning Policies were originally enacted for a proposed development of around 85 dwellings on the 149.7-acre amendment/rezoning area, and specifically, 13 residential parcels were planned on the 20.01-acre amendment site.

The approved policies are no longer appropriate for the 20.01-acre amendment site, especially for any portion which may also be reverted to the RH zone, due to the proposed reduced residential density on the site. Additionally, the amended MIR land use designation would only allow rural residential rezoning at a maximum density of 1.2 residences per acre, and any future rezoning on the site or any portion thereof will include new conditions that are suited to the request.

### **DEPARTMENT/AGENCY COMMENTS:**

#### **Department of Transportation**

The site subject to this request is located north of E. Kryshann Street between S. Langley Way and S. Kolb Road – these roads are currently dirt access easements and are not listed in the Major Streets Plan. The site is located approximately 2,500 feet north of E. Sahuarita Road, which is the nearest public right-of-way, and 4,300 feet east of S. Wilmot Road.

This comprehensive plan amendment request to waive rezoning policies (RP- 87 S. Kolb Road/E. Sahuarita Road) from the site. The only rezoning policy in RP-87 that specifically addresses transportation/traffic is Policy C, which requires “... a Master Traffic Impact Study that identifies existing conditions and capacity, needed construction, and expansion to achieve necessary infrastructure... [p]hasing, implementation and the regional impacts... The study shall be submitted with the Rezoning Site Analysis.” RP-87 applied to the 149.7-acre plan amendment/rezoning site, and the potential for larger roadway impacts was/is such that a Master Traffic Impact Study requirement is reasonable for the whole area.

The comprehensive plan amendment application does not indicate if the 4 parcels of land would be rezoned back to RH or be developed using the existing GR-1 (conditional) zoning. Regardless, if the site is developed under the MIR land use designation, it is not likely to result in traffic impacts that would require substantial off-site improvements, though it could require improvements to the intersections of Wilmot Road/Kryshann Street and/or Kolb Road/Sahuarita Road.

Furthermore, the Department of Transportation does not have a plan to improve S. Kolb Road in the near future nor is it listed in the Regional Mobility and Accessibility Plan (RMAP) or the short-range Transportation Improvement Program (TIP). Waiving this policy would not preclude the department's ability to establish rezoning conditions related to transportation requirements, such as right-of-way dedication and/or traffic impact studies, if the site is rezoned.

Staff recommends approval of this comprehensive plan amendment request subject to the following modification to RP-87, Policy C:

~~The developer shall submit a Master Traffic Impact Study that identifies existing conditions and capacity, needed construction, and expansion to achieve necessary infrastructure. Phasing, implementation and the regional impacts of this development shall also be addressed. The Study shall be submitted with the Rezoning Site Analysis.~~

A Traffic Memorandum (TM) shall be submitted with the first submittal of a subdivision plat or development plan if finalized GR-1 (Rural Residential – Restricted) rezoning is sought.

The TM shall be prepared in conformance with Pima County Subdivision and Development Street Standards.

**Regional Flood Control District**

1. As a reversion, no Sketch Plan has been provided. The policies that the applicant requests be abandoned are no longer necessary as the District has completed a master drainage study for the Lee Moore Wash that established flow corridors and other locally appropriate development rules. Further, these flow corridors are included in the Pima Prospers Flood Control Resource Areas. Per this current Comprehensive Plan Policy, the applicant no longer need provide that study as contemplated by the policy to be abandoned.

2. As required by the Pima Prospers Water Policy, staff has conducted the Water Resources Impacts Assessment. It is not within one mile of a shallow groundwater area, however water tables have been declining and subsidence recorded up to 2 inches between 1987 and 2005 when the study referred to in the policy was conducted. Staff initially determines that there will be no negative impact on shallow groundwater areas although this will remain an open question until a provider has been identified.

3. No Integrated Water Management Plan has been submitted. After the water service provider has been identified staff shall make a final determination as to any required additional conservation measures. As per the Pima Prospers Water Policy: at the time of rezoning, and again at development, the applicant will have the opportunity to identify conservation measures to mitigate any potential impacts to shallow groundwater dependent ecosystems. As this proposal reduces densities, the potential for large areas of irrigated landscaping including turf goes up and therefore projected water demand. While the use of septic systems may help offset this potential impact, limitations on irrigation and/or turf may also be an appropriate water conservation measure to include in the Integrated Water Management Plan when it is submitted.

In conclusion, the District has no objection or recommended rezoning policies.

**Regional Wastewater Reclamation Department**

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) notes the property is located outside the PCRWRD service area and that Rezoning Policy RP-87 does not contain any wastewater conditions.

The owner(s) will be required to secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal system at the time a tentative plat, development plan or request for building permit is submitted for review.

**Environmental Planning Division**

This amendment site is located outside the Maeveen Marie Behan Conservation Lands System and the division has no comments.

**Cultural Resources & Historic Preservation Division**

The division notes that a Cultural Resources survey report will need to be submitted to Office of Sustainability and Conservation for review at the time of the rezoning or development plan submittal.

**Department of Environmental Quality**

The Department of Environmental Quality has no comment.

**Natural Resources, Parks and Recreation**

The amendment site is not in proximity of existing or planned trails or associated infrastructure.

**City of Tucson**

City of Tucson has no comment.

**Town of Sahuarita**

The Town of Sahuarita has reviewed the amendment request and have no comment.

**Trico Electric Cooperative**

Trico Electric has no comment.

**Rural-Metro Fire Department**

The Rural-Metro Fire Department has no comment.

**US Fish & Wildlife Service (USFWS)**

USFWS has no comment.

**PUBLIC COMMENTS:**

As of September 13, 2021, staff has received no public comments regarding this amendment request.

Respectfully submitted,

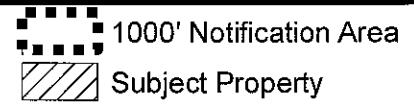
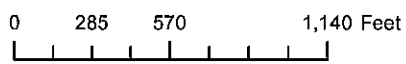
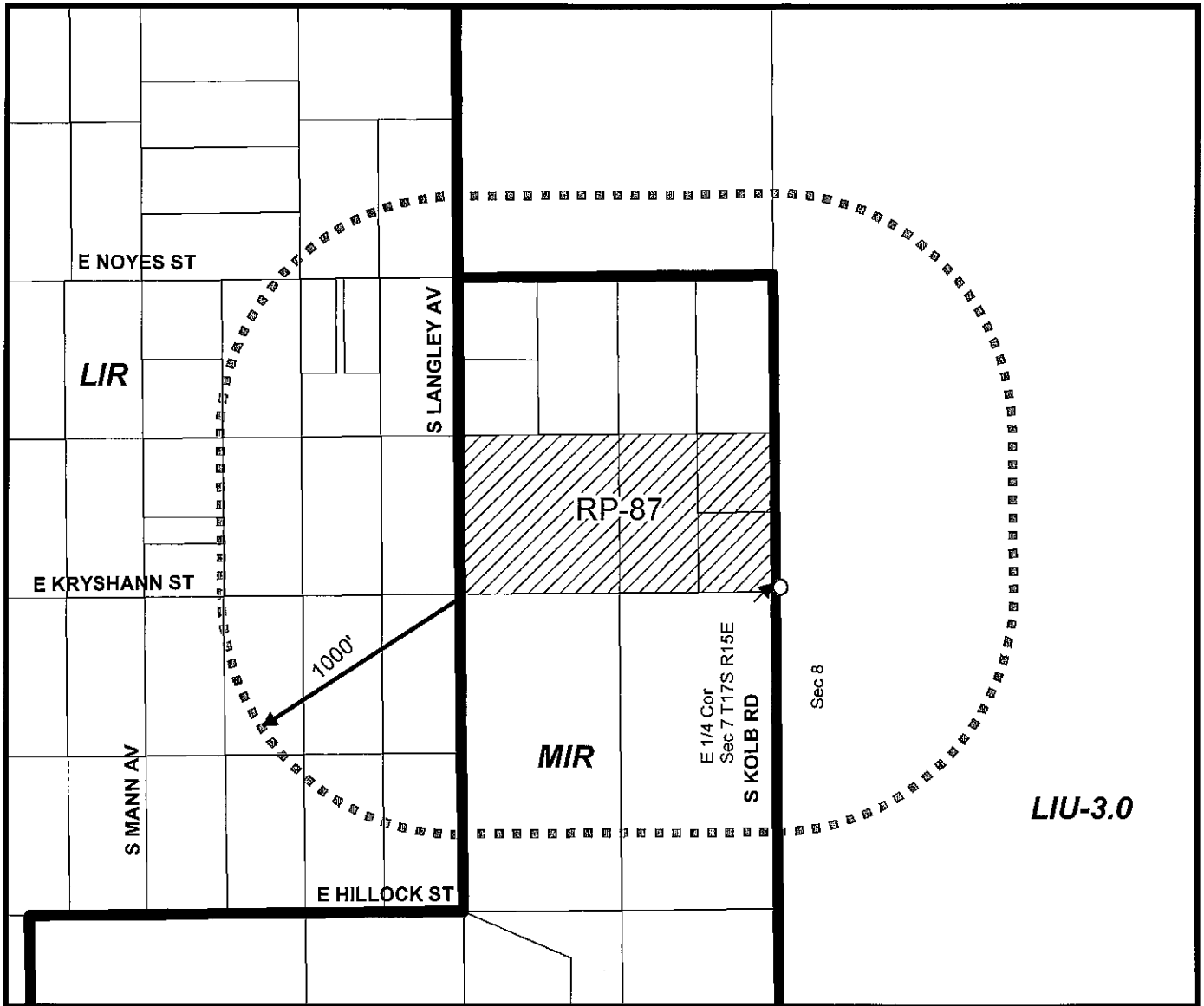


Mark Holden, AICP  
Principal Planner

- c: Seth Hoyte 6949 E Calle Orion Tucson AZ [racingislife66@icloud.com](mailto:racingislife66@icloud.com)  
Kale Investment Company LLC – Attn: Craig Courtney 5151 N Oracle Road #210 Tucson AZ

# COMPREHENSIVE PLAN AMENDMENT

## Planned Land Use



Taxcodes: 305-22-1000, 305-22-1030, 305-22-1050 & 305-22-1060	<b>P21CA00006 HOYTE - S. KOLB ROAD PLAN AMENDMENT</b>		Districts 4 Location: West side of S. Kolb Road, approximately 3,000 feet north of E. Sahuarita Road	
	Request: Repeal Rezoning Policy RP-87 S. Kolb Road/E. Sahuarita Road			
	Southeast Planning Area under Pima Prospers Sections 7 Township 17 South, Range 15 East			
	Planning and Zoning Commission Hearing: September 29, 2021	Map Scale: 1:8,000		
	Board of Supervisors Hearing: October 16, 2021 (tentative)	Map Date: August 17, 2021 / dms		



### **Medium Intensity Rural (MIR)**

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

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

### **Rezoning Policy RP-87 S. Kolb Road/E. Sahuarita Road (Co7-06-017 Sahuarita Corners Limited Partnership and Equivest Properties LTD Partnership – S. Kolb Road Plan Amendment)**

1. A reduced-density residential buffer area shall be established at the northern and western amendment site boundaries, to create a transition between new residential development and the existing adjacent residential area, to be determined at time of rezoning.
2. A master drainage study shall be submitted during platting and/or development plan processes to identify local floodplain, 100-year water surface elevations, and erosion hazard setbacks. It shall also address:
  - A. Analysis of detention/retention requirements
  - B. Need for and financing of other on-site and off-site improvements
  - C. Habitat preservation
  - D. Channel and drainage design
3. The developer shall submit a Master Traffic Impact Study that identifies existing conditions and capacity, needed construction, and expansion to achieve necessary infrastructure. Phasing, implementation and the regional impacts of this development shall also be addressed. The study shall be submitted with the rezoning Site Analysis."

## Mark Holden

---

**From:** Anna Casadei <acasadei@sahuaritaaz.gov>  
**Sent:** Thursday, June 17, 2021 1:32 PM  
**To:** Mark Holden  
**Subject:** RE: Pima Co Comprehensive Plan amendments - P21CA00003/00006

**CAUTION:** This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Mark, thank you for the opportunity to review. The Town of Sahuarita does not have any comments on either of these proposals.

Best regards,



Anna Casadei | Planning and Building Director

Email: [acasadei@sahuaritaaz.gov](mailto:acasadei@sahuaritaaz.gov) — Office: 520-822-8854 — Fax: 520-822-8876  
375 W. Sahuarita Center Way, Sahuarita, AZ 85629 — [sahuaritaAZ.gov](http://sahuaritaAZ.gov)

NOTICE: Your email or reply is subject to disclosure under Arizona's Public Records Laws and is not privileged or confidential except to the extent it contains attorney/client privileged material, or is otherwise exempt from disclosure.

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**From:** Mark Holden [mailto:[Mark.Holden@pima.gov](mailto:Mark.Holden@pima.gov)]  
**Sent:** Thursday, June 17, 2021 12:54 PM  
**Subject:** Pima Co Comprehensive Plan amendments - P21CA00003/00006

The attached are requests for review and comment for two requested amendments to the Pima County Comprehensive Plan. Rather than the regular requests to amend the planned land use designation, these requests are to modify or remove Rezoning Policies placed on the properties under previous plan amendments. The applicants have decided not to move forward with their original rezonings, but must modify or remove the policies before they can rezone or close the rezoning. (These are separate rezoning policies under different plan amendments from different applicants – the requests being so geographically close together is coincidental.)

Please email any comments to me by **Friday, July 9, 2021**; call or email if you have questions. Thank you,

Mark Holden

Mark S. Holden, AICP

Principal Planner,  
Planning Division  
Pima County Development Services Dept.

F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: DG  
DEPUTY RECORDER  
9999 PE3



DOCKET: 13012  
PAGE: 1083  
NO. OF PAGES: 3  
SEQUENCE: 20070510424  
03/15/2007  
RES 14:10  
PICKUP  
AMOUNT PAID \$ 0.00

P0230  
PIMA CO CLERK OF THE BOARD  
PICKUP

**RESOLUTION NO.: 2007- 56**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY **155.13 ACRES** IN SECTION 7 OF TOWNSHIP 17 SOUTH, RANGE 18 EAST, IN THE RINCON-SOUTHEAST/SANTA RITA SUBREGION.

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

Section 1. The Pima County Comprehensive Plan Land Use Map, Rincon-Southeast/ Santa Rita Subregion, is hereby amended to change the planned land use classification for approximately **155.13 acres**, as referenced in Co7-06-17 Sahuarita Corners Limited Partnership et al, - S. Kolb Road Plan Amendment, located at the northwest corner of S. Kolb Road and E. Sahuarita Road, as shown on the map attached hereto as Exhibit A and incorporated herein by this reference, from **Low Intensity Rural (LIR)** to **Medium Intensity Rural (MIR)**.

Section 2. A **Rezoning Policy (RP)** is established for the amendment site, as follows:

1. A reduced-density residential buffer area shall be established at the northern and western amendment site boundaries, to create a transition between new residential development and the existing adjacent residential area, to be determined at time of rezoning.
2. A master drainage study shall be submitted during the platting and/or development plan processes to identify local floodplains, 100-year water surface elevations, and erosion hazard setbacks. It shall also address:
  - a. Analysis of detention/retention requirements;
  - b. Need for and financing of other on-site and off-site improvements;
  - c. Habitat preservation; and
  - d. Channel and drainage design
3. The developer shall submit a Master Traffic Impact Study that identifies existing conditions and capacity, needed construction and expansion to achieve necessary infrastructure. Phasing, implementation and the regional impacts of this development shall also be addressed. The Study shall be submitted with the Rezoning Site Analysis.

Section 3. This Resolution shall become effective 31 days from the date of adoption.

PASSED AND ADOPTED this 13th day of March, 2007, by the Board of Supervisors of Pima County, Arizona.

ATTEST:

Clerk, Board of Supervisors

BOARD OF SUPERVISORS

Chairman, Board of Supervisors

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APPROVED AS TO FORM:

*Bob Munn*  
Deputy County Attorney

APPROVED:

*Carl McCall*  
Executive Secretary  
Planning and Zoning Commission

2008-08-14 10:41:14



# EXHIBIT "E"



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

## BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

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

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

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

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

TAX Code #s: 305-22-1030, 305-22-1050 & PART OF 305-22-1060  
NW CORNER OF S. KOLB RD. AND KRYSHANN ST. (SEE APPROXIMATE LOCATION  
ON MAP ATTACHED)

Part I. Information Provided by Pima County Staff

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

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? *No*  
  
IMPORTANT RIPARIAN AREA *N/A*  
BIOLOGICAL CORE *N/A*  
MULTI-USE MANAGEMENT AREA *N/A*
2. Is the project within a CLS Special Species Management Area? *No*
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? *No*
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? *No*
5. Is the project located within a Priority Conservation Area for any of the following species?
  - a. Cactus ferruginous pygmy-owl: *No*
  - b. Western burrowing owl: *No*
  - c. Pima pineapple cactus: *Yes*
  - d. Needle-spined pineapple cactus: *No*

**Part II. Information Provided by the Applicant**

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

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? *No*  
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

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

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.

Completed by ~~owner~~, to the best of its knowledge  
*[Signature]*  
10-13-2020  
Dated





PIMA COUNTY

EXHIBIT "A"

Library

Calendar

Employment

Contact Us



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### Comprehensive Plan Amendment Application OR Concurrent Comprehensive Plan Amendment and Rezoning or Specific Plan Application (this application is for either application types)

Required fields are indicated by \*.

#### Owner Information

Owner's Name: \*

Mailing Address: \*  City: \*

State: \*  Zip code: \*  Phone: \*

Owner's Email Address: \*

#### Applicant Information (if other than owner)

Applicant's Name:

Applicant's Address:  City:

State:  Zip code:  Phone:

Applicant's Email Address:

Exhibit "A2"

**Property Information**

Property Address:

Tax Parcel Number: \*

Acreage: \*  Current Land Use Designation(s) and Acreage: \*

Proposed Land Land Use Designation(s) and Acreage: \*

Comprehensive Plan Subregion / Category / Policies: \*

**For Concurrent Comprehensive Plan and Rezoning Only:**

Acreage:  Present Zone:  Proposed Zone:

**Attach requested documents if applicable.**

*See ATTACH 4/29/21 Correspondence For*

**ADDITION INFORMATION**

*A total of 8 MB of files can be uploaded in a single form submission. There is no restriction on file types.*

1. Letter of Authorization: If the applicant is not shown as the owner of the subject parcel a letter of authorization with a 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, a 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, a signature from an officer with his/her title is required along with a disclosure of the officers of the entity.

No file chosen

2. Submit an electronic version of the site analysis document for a Site Analysis Rezoning or Specific Plan **OR** submit an electronic versions of the required submittal documents.

No file chosen

*A total of 8 MB of files can be uploaded to this form. If your submission exceeds 8MB please upload documents to an FTP site such as dropbox.com and paste the access link here:*

3. An ESRI Shapefile or AutoCad DWG file referenced to the Pima County GIS coordinate system for any zoning and/or land use boundary contained within a portion of a parcel or parcels that creates its own unique boundary that is not legally described.

Choose File No file chosen

EXHIBIT "A3"

**Terms and Conditions**

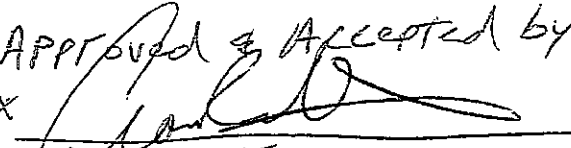
\*  I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)

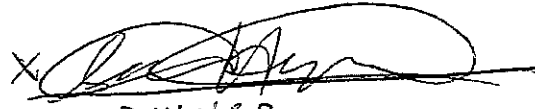
Date: \* 4/30/21

*For Electronic Submittal:*

A case will be opened and an email containing an invoice with the case number and instructions for making payment through the online payment portal will be sent to the applicant within 2 business days.

Attendance to a *Pre-Application meeting* is a pre-requisite to application submittal. The Pre-Application meeting is scheduled at 201 N. Stone Avenue, 2nd floor on the 3rd Wednesday of the month beginning at 9:00 am.

Approved & Accepted by  
X   
APPLICANT

X   
OWNER

Submit

Reset



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**Kale Investment Company, LLC,**  
5151 North Oracle Rd., Suite 210,  
Tucson, AZ. 85704  
Phone #520-247-3306  
Email: ccourtney@azredco.com

Mr. Mark Holden  
Mrs. Terri Tillman  
Pima County Planning Division  
201 North Stone Ave. 1<sup>st</sup> floor  
Tucson, Arizona 85701  
Phone: 724-9000

April 29, 2021

Via Email Only

Re: Request to amend under Section 18.89.040 of the Pima County Land Planning and Regulations by waiving all of the comprehensive plan policy items described in Paras. A. and B. of the Comprehensive Plan Amendment referenced in Rs-87 S. Kolb Road/E. Sahuarita Road (SE) for the approximate 20 acres described below.

Dear Mr. Holden and Mrs. Tillman:

Please accept this letter and its attachments as a request on behalf of Seth Hoyte, the owner of the approximate 20 acres described in the attached Schedule A (Application Property), to waive all of the comprehensive plan policy items affecting the Application Property leaving the MIR designation. These policies are described in Paragraphs A. and B. of the Co7-07-12 Beecroft-E. Noyes Street Comprehensive Plan Amendment referenced in Rs-87 S. Kolb Road/E. Sahuarita Road (SE), (S. Kolb CPA). For easy reference the completed Comprehensive Plan Amendment Application (Exhibit A), the S. Kolb CPA planned land use map showing the location of the Application Property (Exhibit B) and a copy of the policies to be waived (Exhibit C) are attached.

The 20 acres comprises Tax Code parcel # (See Exhibits D-G attached for County 1 Assessor's ownership records):

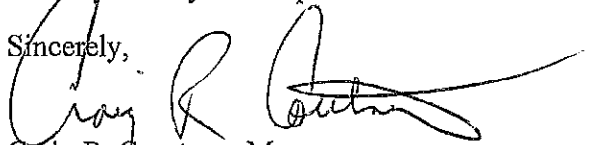
1. 305-22-1000,
2. 305-22-1030,
3. 305-22-1050, and
4. 305-22-1060

For additional information on this case along with my authorization to represent the Owner on this matter refer to my April 14, 2021 correspondence and his signature below.

Once you have received this correspondence, please begin processing this request for this year's Comprehensive Plan hearings, let me know if you need any additional information to complete this application and confirm the cost for this procedure.


Thank you for your cooperation in this matter.

Sincerely,



Craig R. Courtney, Manager  
Kale Investment Company, LLC

By signing below the undersigned authorizes Kale Investment Company, LLC, to represent the Owner in the above matter.

By  4-29-2021  
Seth Eric Hoyte, Owner Date

# EXHIBIT "C"

## General location

At the northwest corner of S. Kolb Road and E. Sahuarita Road, in Section 7 of Township 17 South, Range 15 East (Ref. Co7-06-17).

## Policies

A A reduced-density residential buffer area shall be established at the northern and western amendment site boundaries, to create a transition between new residential development and the existing adjacent residential area, to be determined at time of rezoning.

B A master drainage study shall be submitted during the platting and/or development plan processes to identify local floodplains, 100-year water surface elevations, and erosion hazard setbacks. It shall also address:

1. Analysis of detention/retention requirements.
2. Need for and financing of other on-site and off-site improvements.
3. Habitat preservation.
4. Channel and drainage design.

C The developer shall submit a Master Traffic Impact Study that identifies existing conditions and capacity, needed construction, and expansion to achieve necessary infrastructure. Phasing, implementation and the regional impacts of this development shall also be addressed. The Study shall be submitted with the Rezoning Site Analysis.

RP-88 E. Old Vail Road/E. Rocket Road (C)

RP-89 E. Hospital Road (Ajo) (WPC)

RP-90 Reserved

RP-91 E. Colossal Cave Road (RV)