



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 9/7/2021

*= Mandatory, information must be provided

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

***Title:**

ORDINANCE: P20RZ00011 MORTGAGE EQUITIES XVI, LLC – S. SORREL LANE REZONING

***Introduction/Background:**

The Board of Supervisors approved this rezoning on April 20, 2021.

***Discussion:**

The rezoning was for approximately 139.4 acres from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone for a 383-lot single family residential subdivision containing 30% functional open space.

***Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

0

***Board of Supervisor District:**

1 2 3 4 5 All

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

Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921

Department Director Signature:

Date: 8/18/21

Deputy County Administrator Signature:

Date: 8/18/2021

County Administrator Signature:

Date: 8/19/21



Subject: P20RZ00011

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SEPTEMBER 7, 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: August 17, 2021

ORDINANCE FOR ADOPTION

P20RZ00011 MORTGAGE EQUITIES XVI, LLC – S. SORREL LANE REZONING

Owners: Mortgage Equities XVI, LLC
(District 5)

If approved, adopt ORDINANCE NO. 2021 - _____

OWNERS: Mortgage Equities XVI, LLC
Attn: Gary Lane
PO Box 2986
Prescott, AZ 86302-298

AGENT: Rick Engineering Company, Inc.
Chuck Martin
3945 E. Fort Lowell Road, Ste. 111
Tucson, AZ 85712

DISTRICT: 5

STAFF CONTACT: Terrill Tillman AICP, Principal Planner

STAFF RECOMMENDATION: APPROVAL.

TD/TT/ds
Attachments

cc: Rick Engineering Company, Inc., Chuck Martin

ORDINANCE 2021-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 139.4 ACRES OF PROPERTY (PARCEL CODES 138-29-002B, 002C, 002D, 002E, 002F, 002G and 002H) FROM THE GR-1 (RURAL RESIDENTIAL) ZONE TO CR-4 (MIXED-DWELLING TYPE) ZONE, IN CASE P20RZ00011 MORTGAGE EQUITIES XVI, LLC – S. SORREL LANE REZONING, LOCATED AT THE NORTHEAST CORNER OF THE T-INTERSECTION OF W. HERMANS ROAD AND S. SORREL LANE. AND AMENDING PIMA COUNTY ZONING MAP NOS. 63 AND 98.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 139.4 acres located at the northeast corner of the T-intersection of W. Hermans Road and S. Sorrel Lane, and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map Nos. 63 and 98, is rezoned from the GR-1 (Rural Residential) zone to the CR-4 (Mixed-Dwelling Type) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The property owner shall dedicate the south 30 feet of the site's southern property boundary for Hermans Road right-of-way.
 - B. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - C. The number, location and design of said access points shall be determined at the Tentative Plat review process and it is subject to approval from the Department of Transportation. Internal circulation shall be revised to accommodate said access points.
 - D. Roadway improvements to Sorrel Lane that meets Pima County Standards will be required for a distance of approximately 500 feet north of the intersection of Sorrel Lane and Hermans Road. Improvements to Sorrel lane shall match the existing roadway cross section width. The exact improvement length to Sorrel Lane shall be determined during the Tentative Plat/Development Plan review process.
3. Regional Flood Control District conditions:
 - A. Federal Emergency Management Agency (FEMA) approval of the Conditional Letter of Map Revision is required prior to issuance of the grading permit.

- B. If determined to be necessary, certain drainageways shall be dedicated in fee to the District after construction has been accepted.
- C. The developer shall provide all-weather access on Sorrel Lane.
- D. FEMA floodwall standards must be maintained adjacent to Mission West subdivision.
- E. Inspection and maintenance of drainage infrastructure shall be required after both the winter and summer storm seasons and after significant storm events.
- F. Drainage improvements shall be enhanced with native riparian vegetation and Pima County Regulated Riparian Habitat mitigation shall occur on-site.
- G. At the time of development, the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
- H. A will serve letter from a Designated Water Provider shall be submitted with the Tentative Plat.

4. Regional Wastewater Reclamation conditions:

- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
- B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. 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.

6. 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.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing, including a maximum height of 30 feet and only single-story dwellings along the perimeter of the site.
8. Natural Resources, Park and Recreation condition: The West Branch of the Santa Cruz single-track trail ST-014 shall be dedicated to Pima County and built to County standards.
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 require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute the following disclaimer regarding Proposition 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(l)."

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than April 20, 2026.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2021.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney

APPROVED:

Executive Secretary
Planning and Zoning Commission

EXHIBIT A

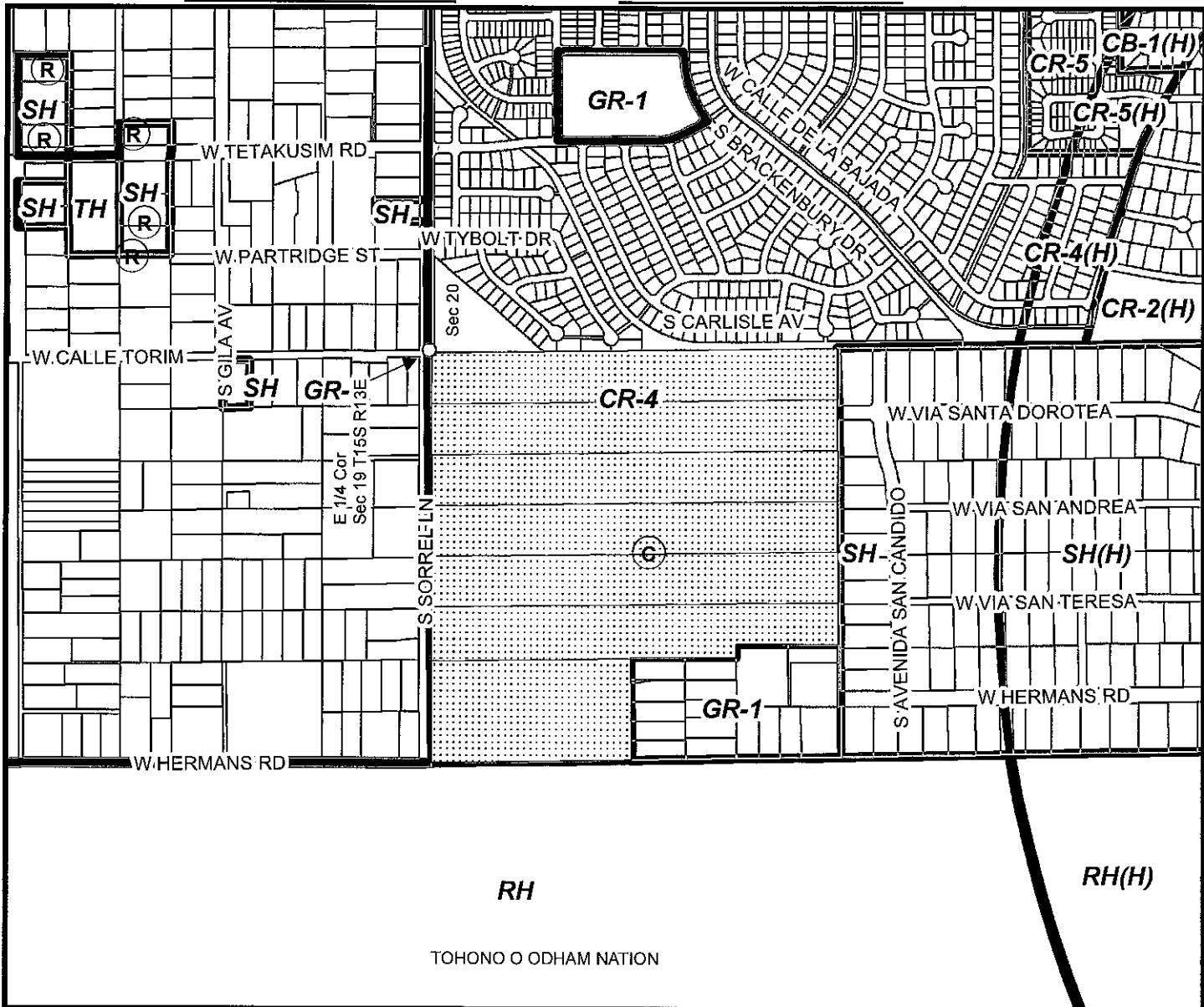
AMENDMENT NO'S. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO'S. 63, 98 TUCSON AZ. LOCATED
IN THE SW 1/4 OF SECTION 20 OF T15S R13E.



ADOPTED: _____

EFFECTIVE: _____

0 250 500 1,000 Feet

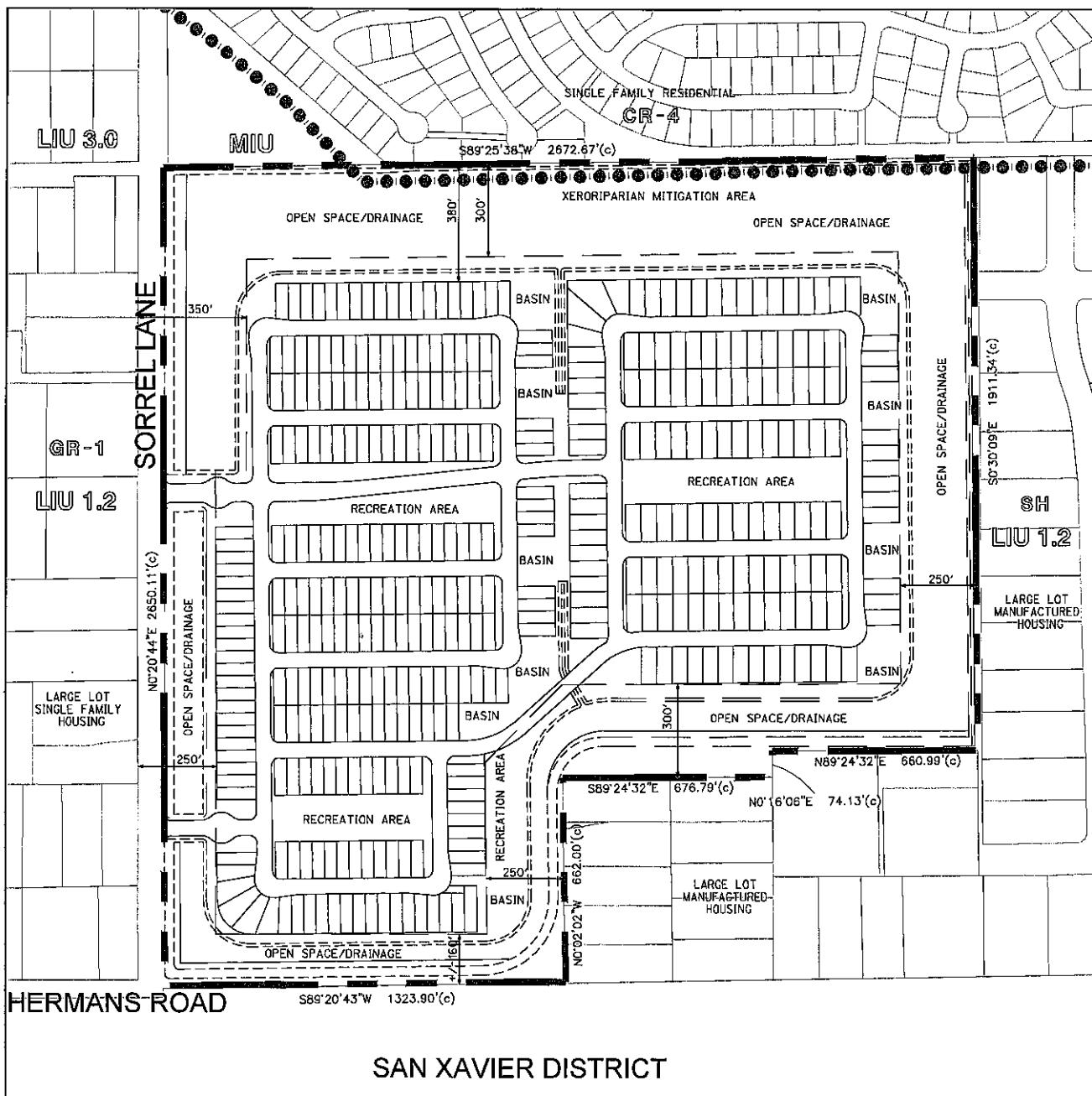


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 139.4 ac
ds-June 2, 2021

P21RZ00011
13829002B, 02C, 02D,
02E, 02F, 02G, 02H

EXHIBIT: II-B
PRELIMINARY
DEVELOPMENT PLAN



LEGEND

WEST BRANCH SANTA
CRUZ RIVER TRAIL ST014

SCALE: 1"=500'



RICK ENGINEERING COMPANY

Exhibit B
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