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# MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

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**TO:** Honorable Raymond J. Carroll, Supervisor, District # 4

**FROM:** Arlan M. Colton, Planning Director

**DATE:** September 4, 2013

**SUBJECT:** Co7-13-02 SMITH VIRGIL B. REVOCABLE LIVING TRUST – S. FREEMAN ROAD ALIGNMENT PLAN AMENDMENT

The above referenced Comprehensive Plan Amendment is within your district and is scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 17, 2013** hearing.

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**REQUEST:** To amend the Pima County Comprehensive Plan from **Low Intensity Rural (LIR)** to **Medium Intensity Urban (MIU)** for approximately **25.0 acres** located on the east side of S. Freeman Road alignment, approximately one-half mile south of Mary Ann Cleveland Way and one-quarter mile north of the Union Pacific Railroad.

**OWNER:** Smith, Virgil B. Revoc Living Tr  
100 W Camino Del Emperador  
Corona De Tucson, AZ 85641

**AGENT:** Vail Smith LLC  
Attn Steve Lenihan  
1050 E River Rd, Suite 300  
Tucson, AZ 85718

**DISTRICT:** 4

**STAFF CONTACT:** Donna Spicola

**PUBLIC COMMENT TO DATE:** As of September 4, 2013, no public comment has been received. No one from the public addressed the Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** APPROVAL, (9-0; Commissioner Bain was absent).

**STAFF RECOMMENDATION:** APPROVAL.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/DS/ar  
Attachments



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# Board of Supervisors Memorandum

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Subject: Co7-13-02

Page 1 of 3

## FOR SEPTEMBER 17, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director  
Public Works-Development Services Department-Planning Division

DATE: September 4, 2013

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### ADVERTISED ITEM FOR PUBLIC HEARING

#### COMPREHENSIVE PLAN AMENDMENT

#### Co7-13-02 SMITH VIRGIL B. REVOCABLE LIVING TRUST – S. FREEMAN ROAD ALIGNMENT PLAN AMENDMENT

Request of Virgil B. Smith Revocable Living Trust, represented by Steve Lenihan, Vail Smith, LLC, to amend the Pima County Comprehensive Plan from **Low Intensity Rural (LIR)** to **Medium Intensity Urban (MIU)** for approximately **25.0 acres** located on the east side of S. Freeman Road alignment, approximately one-half mile south of Mary Ann Cleveland Way and one-quarter mile north of the Union Pacific Railroad, in Section 5, Township 16 South, Range 16 East, in the Rincon Southeast/Santa Rita Subregion. On motion, the Planning and Zoning Commission voted 9-0 to recommend **APPROVAL**. (Commissioner Bain was absent). Staff recommends **APPROVAL**.  
(District 4)

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#### Planning and Zoning Commission Public Hearing Summary (July 31, 2013)

Staff summarized the amendment request and some of the factors entering into their recommendation of APPROVAL.

Staff reported that the applicant requested Medium Intensity Urban (MIU) plan designation which allows residential development up to 10 residences per acre (RAC). If approved, the following zones could be requested through the rezoning process: SH, CR-1 thru CR-5, CMH-1, CMH-2 and TR. At time of rezoning and platting the applicant will need to address

access, water, sewer and riparian issues. This site is also within the proposed Town of Vail incorporation area. Vote for incorporation scheduled for November 5, 2013.

Staff recommendation for approval is based on the following: Opportunity to promote compact development which complies with the principles of the Growing Smarter Act, extension of the MIU designation due to prior comprehensive plan amendments in the vicinity, development of schools and road infrastructure in the Vail area, and the site is not within the Maeveen Marie Behan Conservation Lands System.

The Commission had a number of questions for staff as follows.

A Commissioner asked should the Town of Vail incorporate, would this property be a part of this incorporation vote and if approved, would the Town of Vail adhere to this comprehensive plan amendment or how would that work in the future?

In response, staff reiterated the site is within the proposed incorporation area. If the new town incorporates, we would enforce the same plan and zoning code until such time they take it over which could take six months to a year. Incorporators of the Town of Vail are interested in contracting the administration of the planning and zoning function including possibly to the county.

A commissioner asked if a recommendation or restriction was put on this comprehensive plan, would that be translated into the Town of Vail when developed or would it go away?

Staff responded that it would be up to how Town Council would interpret the restrictions but it would let them know the proposed intent.

A commissioner asked about the railroad track that runs along the southwesterly portion of this site, and does staff see concern for higher density development.

Staff stated that the development was not adjacent, and there would not be access over the railroad tracks. This applicant is looking for connectivity to said property, but not over the tracks.

A Commissioner asked about noise abatement for the railway.

Staff stated that this site is approximately 660-feet north of the railroad tracks and the policy established on a nearby amendment site was a 180-foot setback for abatement of train noise, so no policy was necessary.

A Commissioner asked if there had been another plan amendment for the applicant in this area and if it was adjacent?

Staff responded that is not adjacent. There is one property to the south that is in between the two sites.

A commissioner asked if we need to be concerned that there is no public road access at the comprehensive plan stage.

Staff responded with under certain circumstances that may be an issue. The question is, whether or not this is an appropriate land use assuming that they get public access. If they don't get public access, they will not be developing as requested. An application will need to be submitted to the State Land Department for right-of-way across the state property to Mary Ann Cleveland Way. The application process can take approximately two years.

The applicant's representative addressed the Commission.

He said that the access will most likely be over the state land or another opportunity could be to the south.

A Commissioner asked about the designations of the washes and riparian areas at the northeast and southwest corners of the property.

The applicant responded that these areas are within the xeroriparian C level. They will also be maintained in the natural state.

Applicant also stated that they had a good meeting with their neighbors.

No one from the public addressed the Commission.

The public hearing was closed.

Commissioner Holdridge moved to approve the amendment request, and Commissioner Membrilia seconded the motion.

The motion passed 9-0; Commissioner Bain was absent.

CP/DS/ar  
Attachments

c: Smith, Virgil B Revoc Living Tr, 100 W Camino Del Emperador,  
Corona De Tucson, AZ 85641  
Vail Smith LLC, Attn Steve Lenihan, 1050 E River Rd, Suite 300, Tucson, AZ 85718  
Chris Poirier, Assistant Planning Director  
Co7-13-02File



# 2013 PLAN AMENDMENT PROGRAM

## PLANNING AND ZONING COMMISSION STAFF REPORT



HEARING DATE	July 31, 2013
CASE	Co7-13-02 SMITH VIRGIL B REVOCABLE LIVING TRUST – S. FREEMAN ROAD ALIGNMENT PLAN AMENDMENT
SUBREGION	Rincon Southeast/Santa Rita (North Half)
DISTRICT	4
LOCATION	One parcel located on the east side of South Freeman Road alignment, approximately one-half mile south of Mary Ann Cleveland Way and one-quarter mile north of the Union Pacific Railroad tracks.
REQUEST	Low Intensity Rural (LIR) to Medium Intensity Urban (MIU) 25.0 acres
OWNERS	Virgil B Smith Revocable Living Trust
AGENT	Vail Smith LLC, Stephen J Lenihan

### APPLICANT'S STATED REASONS TO AMEND THE COMPREHENSIVE PLAN

In Exhibit A of the attached application, the applicant indicates that the character of the vicinity surrounding the Plan Amendment site has changed in recent years from a rural area into a growing community with development patterns trending toward medium-intensity residential and some non-residential uses.

The applicant cites the Growing Smarter Act's principles of compact development, multi-modal transportation opportunities and rational infrastructure expansions/improvements in justifying the proposed amendment from LIR to MIU. Infrastructure will be brought to the property as a result of the nearby future Vista del Lago Norte subdivision.

The applicant notes recent and or upcoming expansions of public services and infrastructure in the area including Vail Water Company's line extension. In connection with the development of Vista del Lago Norte, a sewer line will be extended approximately five hundred feet south of the subject property. The applicant also notes that the two small washes that traverse the property will be maintained in their natural state providing wildlife corridors.

<b>EXISTING ZONING/LAND USE</b>
RH Rural Homestead / Undeveloped

<b>SURROUNDING LAND USE DESIGNATIONS</b>	
<b>North</b>	City of Tucson Neighborhood-Low Density Residential
<b>South</b>	Low Intensity Rural (LIR) and Medium Intensity Urban (MIU)

<b>East</b>	City of Tucson Neighborhood-Low Density Residential
<b>West</b>	Medium Intensity Rural (MIR)

<b>SURROUNDING ZONING/EXISTING LAND USE</b>	
<b>North</b>	MH-1 Mobile Home (City of Tucson) / Undeveloped
<b>South</b>	RH Rural Homestead / one residence; CR-5 Multiple Residence / Undeveloped
<b>East</b>	MH-1 Mobile Home (City of Tucson) / Undeveloped
<b>West</b>	GR-1 Rural Residential / Undeveloped; Residential Developed

### **STAFF REPORT SUMMARY**

Staff recommends **APPROVAL** of this request to amend the comprehensive plan from Low Intensity Rural (LIR) to Medium Intensity Urban (MIU).

The increase in planned land use intensity from LIR to MIU is justified based on the following:

- Opportunity to promote compact residential development at densities which might eventually accommodate mass transit in this developing suburban area. A minimum of five residences per acres will support minimum transit services. Per regional plan policy 1.A.4.a: "Residential rezoning's in the MIU and NAC designations shall be not less than five residences per acre (R/AC);
- The progressive extension of the existing MIU designation for subdivision development north of the Union Pacific Railroad (UPRR) tracks;
- The City of Tucson plan designation of four R/AC minimum Low Density Residential adjacent to the north and east of the subject property;
- The previous development of schools, sewer, and road infrastructure in the Vail area, including the important connection of Houghton Road to Colossal Cave Road via Mary Ann Cleveland Way; and,
- The site is not within the Maeveen Marie Behan Conservation Lands System (CLS).

It is important that the ultimate residential development of the site connect with likely future development near and adjacent to the site. The rezoning preliminary development plan should depict adequate connectivity. This connectivity will reduce car trips and encourage walking and or biking.

Site currently does not appear to have legal access based on applicants' submittal. However, this can and will need to be resolved at the time of subdivision platting.

The site is within the proposed Town of Vail incorporation area, a vote on incorporation has been scheduled for November 5, 2013.

A sewer service agreement will be required along with adequate sewage conveyance and treatment capacity (or arrangement for such capacity by the owner/developer or other affected parties) to be determined at the time of development.

US Fish and Wildlife (USFWS) reports that the Pima Pineapple cactus and the needle-spined pineapple cactus may potentially affect the proposed development. A survey will likely be required as a condition for any future rezoning approval.

A letter of intent for service from a water service provider shall be submitted as part of any subsequent rezoning application. If the letter of intent is from a water service provider that does not have access to a renewable and potable water supply, the applicant will provide documentation as to why a water service provider with access to a renewable and potable water source is not able to provide service.

### **Background/Existing Conditions**

This is a request to amend the Comprehensive Plan from Low Intensity Rural (LIR), which allows a maximum density of 0.3 *residences per acre* (R/AC), to Medium Intensity Urban (MIU), which allows a maximum density of 10 residences per acre, (R/AC) plus some non-residential uses. The main purpose of the LIR plan designation is to designate areas for residential uses consistent with rural and resource-based characteristics. The main purpose of the MIU plan designation is to designate areas for a mix of medium density housing types and other compatible uses.

The existing LIR designation is consistent with and allows the current RH Rural Homestead zone, which requires a minimum of 4.13 acres (180,000 square feet) per residence. The subject property is undeveloped. As it is currently planned and zoned, a maximum of 6 residences could be developed on the gross 25.0 acres site. The RH zoning of the property dates to 1985.

If the requested plan amendment to MIU is approved, rezoning options would be available for SH, CR-1 through CR-5, CMH-1, CMH-2, and TR zones with a maximum of 250 residences based on the gross acreage and the maximum 10/RAC allowed in MIU.

The MIU located approximately 330' to the south boundary of the subject parcel was approved in 2006 under case Co7-06-15 with rezoning policies to include the following: distance buffering or sound attenuation equivalent to or greater than that achieved by distance buffering from the railroad tracks; minimum of five residences per (R/AC); and requiring alternatives for access to be addressed by the rezoning and platting processes. Subsequently, this area was rezoned by case Co9-97-18. The zoning was approved from Rural Homestead (RH) to Multiple Residence (CR-5) for a single-family residential subdivision.

North and east of the subject parcel is the City of Tucson jurisdiction. Currently, the City's Houghton Area Master Plan (HAMP) designates this area as Neighborhood/Low Density Residential (four R/AC minimum) with Riparian Habitat designated for a natural drainage way which also runs through the subject parcel. This area of the City is undeveloped State Trust land.

The subject parcel contains mostly undisturbed natural vegetation and is relatively flat. The parcel also contains Riparian Habitat Class C related to small braided washes. The wash located across the northeast corner of the parcel is located within FEMA floodplain Zone A and runs under 500 cubic feet per second (CFS). The wash located across the south west corner of the parcel runs between 500-1000 CFS.

The subject parcel is outside and northeast of the Davis-Monthan Air Force Airport Environs Overlay Zone by approximately one-eighth of a mile. Union Pacific Railroad is approximately one-eighth of a mile southwest of the subject parcel.



## **Plan Amendment Criteria**

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

1. The plan amendment would promote:
  - a. Implementation of the **Growing Smarter Acts**, with particular emphasis given to the principles of smart growth, such as: (i) mixed use planning, (ii) compact development, (iii) multi-modal transportation opportunities, (iv) rational infrastructure expansion/improvements, (v) conservation of natural resources, and (vi) the growth area element (where applicable);  
*The plan amendment to the recommended higher intensity MIU plan designation at this location can promote Growing Smarter principles of compact development, multi-modal transportation opportunities, and rational infrastructure use.*
  - b. The implementation of other Comprehensive Plan policies set forth in the Regional Plan Policies, Special Area Policies and Rezoning Policies.  
*Regional plan policy 1.A.4.a guidelines are for a minimum of five residences per acre.*
  - c. Compatibility with the **Maeveen Marie Behan Conservation Lands System**;  
*The subject site is not located within the Conservation Lands System (CLS).*
2. Fulfillment of the purpose of the Annual Plan Amendment Program as stated in the Pima County Zoning Code, 18.89.040(A) (2) & (3):

The annual plan amendment program provides an opportunity to address oversights, inconsistencies, or land use related inequities in the plan, or to acknowledge significant changes in a particular area since the adoption of the plan or plan updates. Annual amendments are reviewed concurrently in order to analyze potential cumulative impacts.

*The growth spurt of the Vail area in general provides justification for up-planning additional acreage outside of the CLS. Coordination of road and sewer infrastructure needs for the area will still need to occur prior to development.*

The intensified land use proposal can take advantage of Mary Ann Cleveland Way, which links the Vail area to Houghton Road and metropolitan Tucson, and of sewer lines along Mary Ann Cleveland Way.

There are currently no enumerated Comprehensive Plan Rezoning or Special Area policies applicable to the site.

Relative to other codified plan amendment justification criteria, there is a residential density allowance inconsistency between subject parcel and other properties in the vicinity. A maximum 0.3 RAC is currently planned for the parcel under Low Intensity Rural (LIR); whereas, a maximum planned density allowance of 10 RAC under Medium Intensity Urban (MIU) exists within County jurisdiction approximately 330' south of the site.

## **AGENCY/DEPARTMENT COMMENTS**

### **Environmental Planning**

Conservation Science Division – Office of Sustainability & Conservation: the Plan Amendment is not located within the CLS therefore, the department has no comments.

### **Flood Control District**

Pima County Regional Flood Control District (PCRFCDD) comments are as follows:

1. Two regulatory watercourses impact the site. FEMA Special Flood Hazard Area Zone A Impacts the wash in the northeast corner of the site.

2. Pima County Regulated Riparian Habitat is associated with both watercourses. Based upon aerial photography there may be a projection error associated with the habitat as mapped and the locations may require correction prior to site design. The applicant is encouraged to contact the District's Water Resources Division regarding this prior to seeking a rezoning or other entitlement.
3. No drainage complaints are associated with this parcel.

PCRFCDD has **no objection** to this request or policies to recommend.

### **Regional Flood Control District (Water Resources)**

Pima County's Water Supply Impact Analysis:

- 1) Water Service and Renewable Water Supply Options: A water supply option from Vail Water Company is indirectly referred to within applicant's Exhibit A. The proposed plan amendment area is immediately west of the Tucson Water (TW) service area. Presently, TW does have access to a renewable and potable water supply (CAP in Avra Valley). In this area, TW may have to pump more from local ground-water wells due to system limitations in boosting a blend of CAP and groundwater from the Avra Valley (Clearwater). However a blend of Clearwater and local groundwater can be provided.
- 2) Current and Projected Depth to Groundwater and Groundwater Trend Data: The average depth to groundwater in this area is approximately 500 feet. Groundwater at this depth is not likely to support vegetation or aquatic ecosystems. Groundwater levels have declined in the area between 1990 and 2010 as much as 30-40 feet. Groundwater levels are projected to decline 0.5 – 1.0 feet/year over the next 15 years, according to the updated 2013 ADWR TAMA Model.
- 3) Proximity to Areas of known or Potential Ground Subsidence: The proposed plan amendment is in an area of moderate subsidence that has experienced 1-2 inches of subsidence from 1987-2005; according to USGS studies.
- 4) Proximity to known Groundwater-Dependent Ecosystems: The proposed plan amendment area is not within 3.5 miles of a groundwater dependent ecosystem, The Cienega Creek Preserve.
- 5) Location within a Hydrogeologic Basin, including Depth to Bedrock: The proposed plan amendment is located in the Tucson Hydrogeologic Basin area. Depth to bedrock in this area is estimated at greater than 1000 feet.

Pima County's Water Supply Impact Analysis finds that this Plan Amendment may potentially have access to renewable and potable water. The adjacent provider in the area, Tucson Water, supplies a recharged CAP and Avra Valley ground-water blend. The area is also where groundwater has been declining and is projected to continue to decline; so a renewable supply in this area is essential.

This amendment site may end up increasing water demand. As such, the applicant will need to provide a Preliminary Integrated Water Management Plan (PIWMP) at the rezoning stage emphasizing on-site low intensity development (LID) and other water conservation methods to reduce overall water use for the site and capture on-site runoff for landscaping use. The applicant is encouraged to review the LEED Certification section for Water Efficiency or begin certification under Pima County's LEED for Homes Program.

Based on this analysis, we recommend **the following as a Rezoning policy** should the Board of Supervisors approve this plan amendment:

A letter of intent to serve from a water service provider shall be submitted as part of any subsequent rezoning application. If the letter of intent is from a water service provider that does not have access to a renewable and potable water supply, the applicant will provide documentation as to why a water service provider with access to a renewable and potable water source is not able to provide service.

### **Transportation**

The site is approximately 25 acres and is located on the east side of South Freeman Road about ½ miles south of Mary Ann Cleveland Way. The site is within the proposed Vail incorporation area. South Freeman Road is a major route on the county Major Streets and Scenic Routes Plan; however, this is inconsistent with the City of Tucson Major Streets and Routes Plan which shows a major route in a northeast/southwest direction approximately 1000 feet southeast of the property. This is an issue that needs to be resolved between Pima County and the City of Tucson and will probably result in a change to the county Major streets and Scenic Routes Plan.

The site has no public road access. Access to the site is by means of private easements to an unpaved, county maintained Old Vail Road which then provides access to Houghton Road. The site is 1600 feet to one mile from Old Vail Road, depending on which access easements are used and approximately 2.5 miles from Houghton Road. There are no existing traffic counts in the immediate vicinity although they would be quite low because of the sparse development. Current traffic on Houghton Road at the Old Vail Road intersection is approximately 15,000 vehicles per day.

### **Wastewater Management**

The subject property is within the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area and tributary to the Roger Road Wastewater Reclamation Facility via the Southeast, Northwest Outfall and the Prince and Romero Interceptors. As explained in the submittal, the subject property is planned to be served by public sewer that will be extended from Vista del Lago Norte located south of the property.

**The PCRWRD has no objection to the proposed comprehensive plan amendment but recommends the following policy be adopted for this area:**

No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner / developer and other affected parties.

### **Environmental Quality**

On the behalf of the Pima County Department of Environmental Quality, the Amendment request has been reviewed for compliance with PCDEQ requirements for on-site sewage disposal and air quality.

The Department has no objection to the proposed Plan Amendment provided the following condition is addressed at the time of rezoning:

The property owner(s) must connect to the public sewer system at the location and in the manner specified by the Wastewater Management Department at the time of review of the tentative plat, development plan or request for building permit.

The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before construction, operating or engaging in an activity which may cause or contribute to air pollution.

#### **School District**

To date, staff has not received any written comments from the Vail School District.

#### **Water District**

To date, staff has not received any written comments from the Vail Water Company.

#### **Electric Company**

Tucson Electric Power (TEP) reviewed the Amendment request and confirmed that the project is located within the TEP service territory and will require a new service application from the owner/developer to extend service to the location.

#### **Natural Resources, Parks and Recreation**

Staff has no comment on this plan amendment.

#### **Cultural Resources**

To date, staff has not received any written comments.

#### **United States Fish and Wildlife Service**

US Fish and Wildlife (FWS) has concerns relating to the subject property. The two species potentially impacted are the Pima Pineapple cactus (*Coryphantha scheeri* var. *robustispina*) and the needle-spined pineapple cactus (*Echinomastus erectocentrus* var. *erectocentrus*). The proposed development could potentially affect these species if present. Surveys are recommended for these species prior to construction. If the species are documented on the parcel, we recommend coordinating conservation measures with our plant ecologist, Julie Crawford (670-6150 x 228; [julie\\_crawford@fws.gov](mailto:julie_crawford@fws.gov)). If the species are not present, no further coordination with FWS is necessary.

#### **Fire District**

Rural/Metro Fire Department has reviewed the plan amendment and has the following comment:

As development continues into the plan stage, the applicant will need to submit plans to the fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinklers, fire alarm systems and all other fire code requirements. The 2003 edition of the International Fire Code shall be the applicable fire code for this project.

**Arizona State Land Department**

To date, staff has not received any written comments.

**Davis-Monthan Air Force Base (DMAFB)**

To date, staff has not received any written comments.

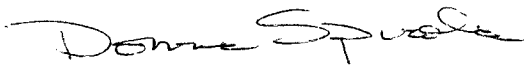
**Union Pacific Railroad**

To date, staff has not received any written comments.

**PUBLIC COMMENTS:**

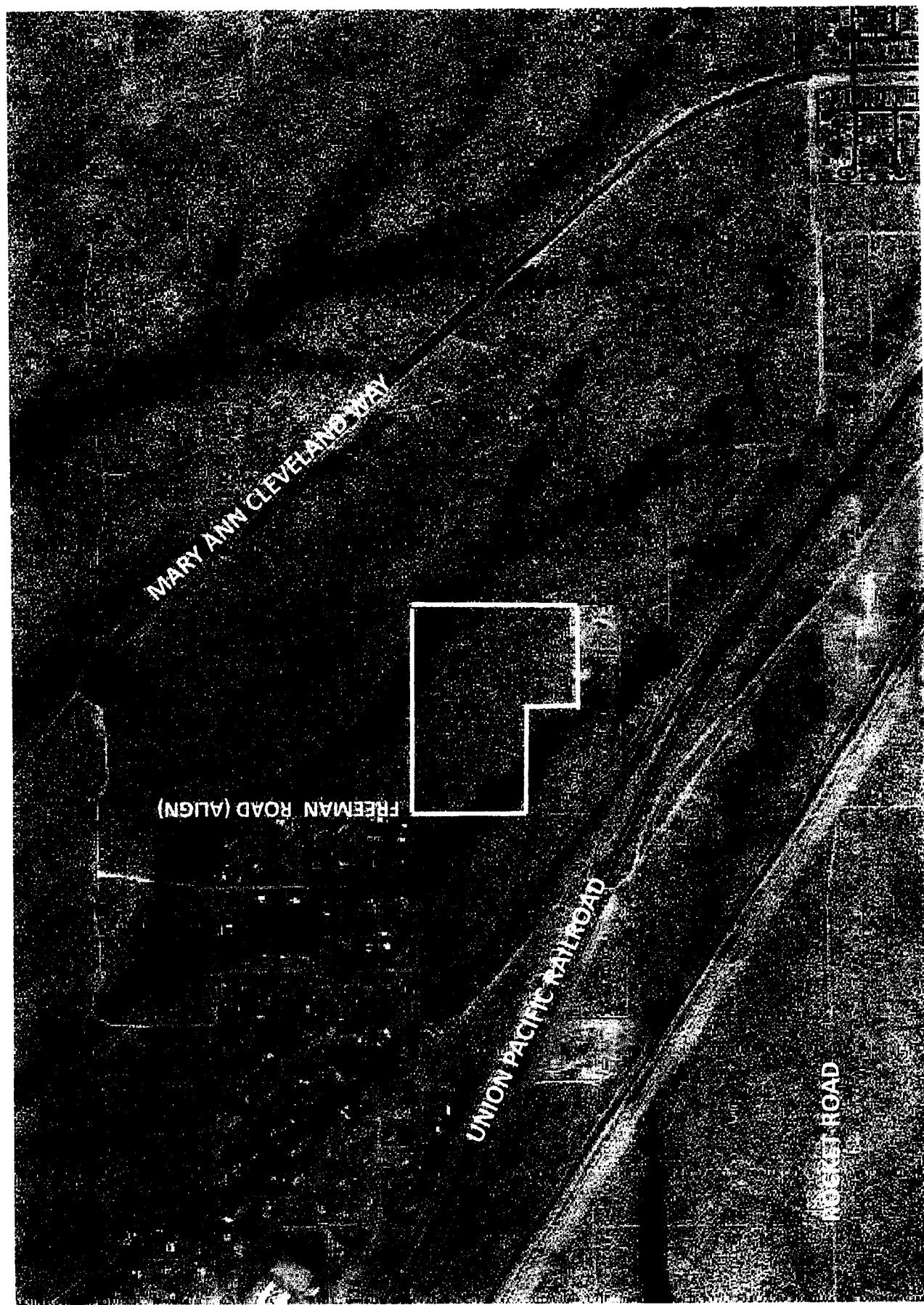
The applicant held a public meeting on July 16, 2013, summary attached. To date, staff has not received any written public comments.

Respectfully Submitted,



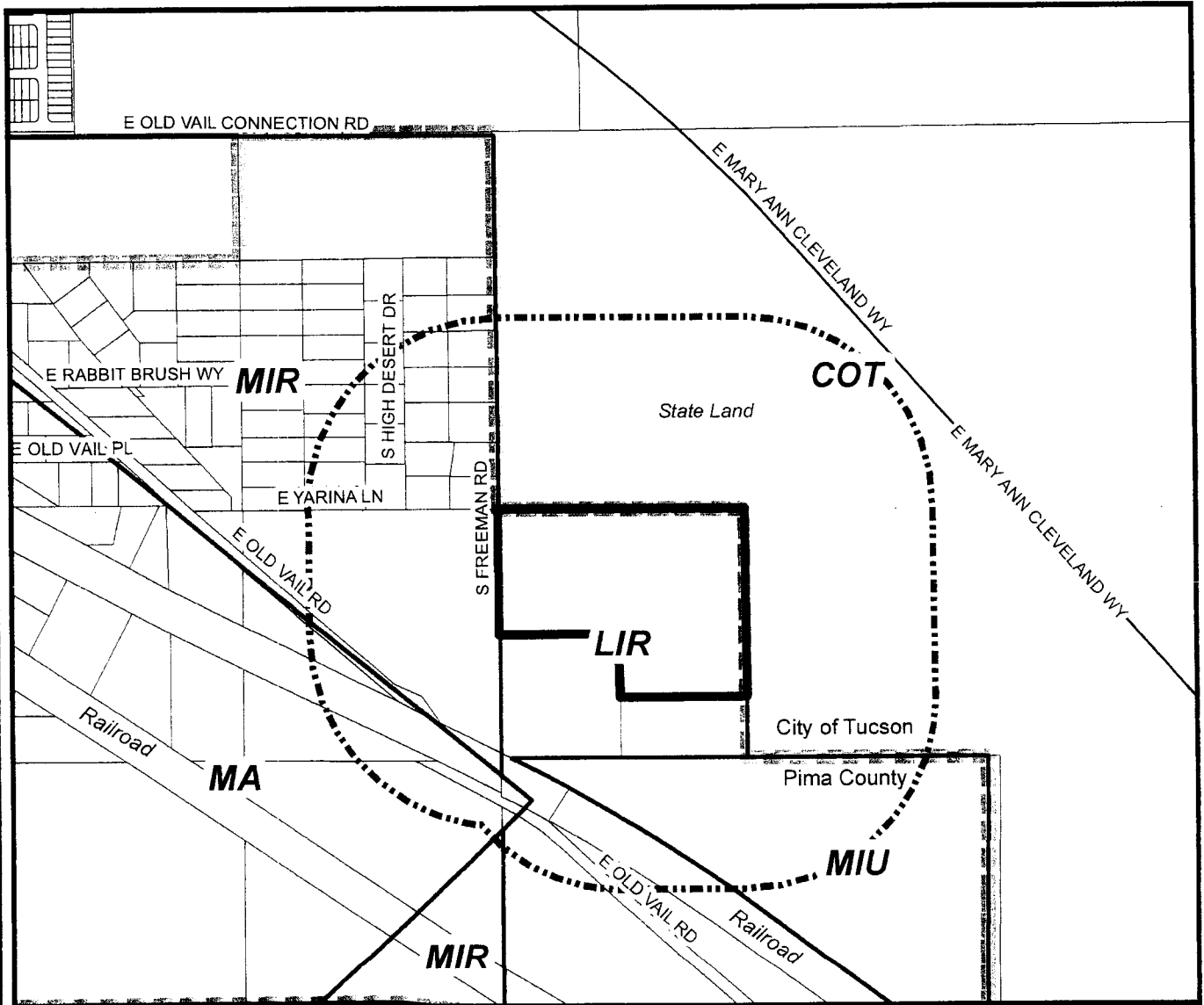
Donna Spicola  
Planner

cc: Vail Smith LLC, Attn: Steve Lenihan, 1050 E. River Road, Suite 300, Tucson, AZ 85718



# COMPREHENSIVE PLAN AMENDMENT

Planned Land Use and Notice Area



0 360 720 1,440 Feet



Amendment Area



1,000' Notice Area



Planned Land Use

Taxcode:  
305-07-001D

## Co7-13-02 SMITH VIRGIL B REVOCABLE LIVING TRUST – S. FREEMAN ROAD ALIGNMENT PLAN AMENDMENT

Request: Low Intensity Rural (LIR) to Medium Intensity Urban (MIU)  
25 Acres +/-

Location:  
East side of  
S. Freeman Road  
alignment, approximately  
one-half mile south of  
Mary Ann Cleveland Way  
and one-quarter mile north  
of Union Pacific Railroad



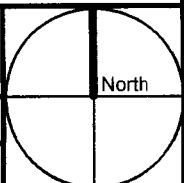
Rincon Southeast / Santa Rita Subregion  
T16S, R16E, Section 5

Planning and Zoning Commission Hearing: July 31, 2013

Map Scale: 1:10,000

Board of Supervisors Hearing: September 17, 2013

Map Date: July 11, 2013



## **Low Intensity Rural**

### **'LIR' or 'A' on the Land Use Plan Maps**

- a. Purpose: To designate areas for residential uses at densities consistent with rural and resource-based characteristics.
- b. 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
- c. 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
- d. 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) SR-2 Suburban Ranch Estate Zone
  - 4) GR-1 Rural Residential Zone
  - 5) MR Major Resort
- e. Open Space Standard for MR Major Resort Zone: In Low Intensity Rural 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.

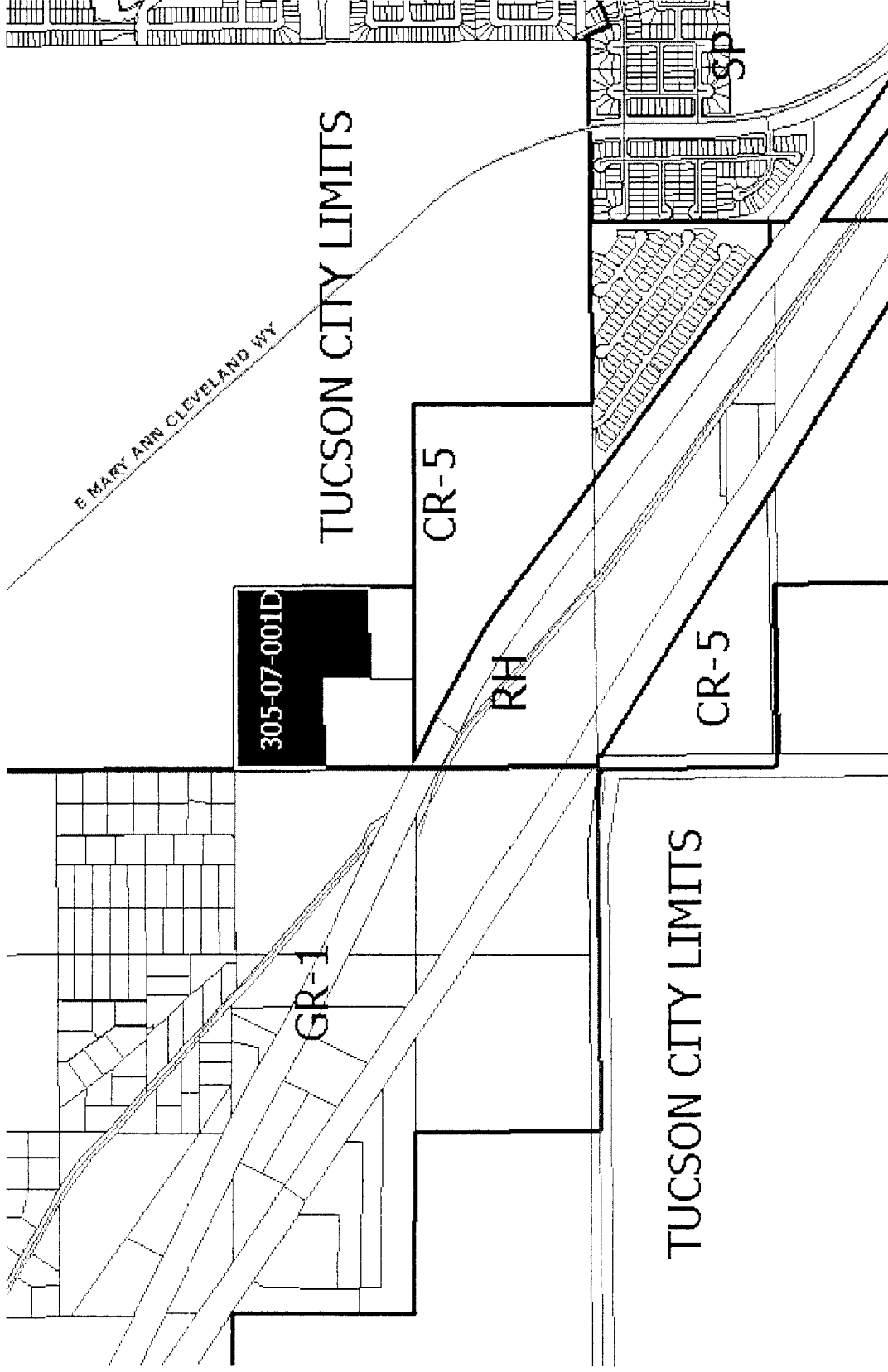
## **Medium Intensity Urban**

### **'MIU' or 'D' on the Land Use Plan Maps**

- a. Purpose: To designate areas for a mix of medium density housing types and other compatible uses.
- b. Objective: These areas provide an opportunity for a variety of residential types, including cluster option developments, and single family attached dwellings. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses.

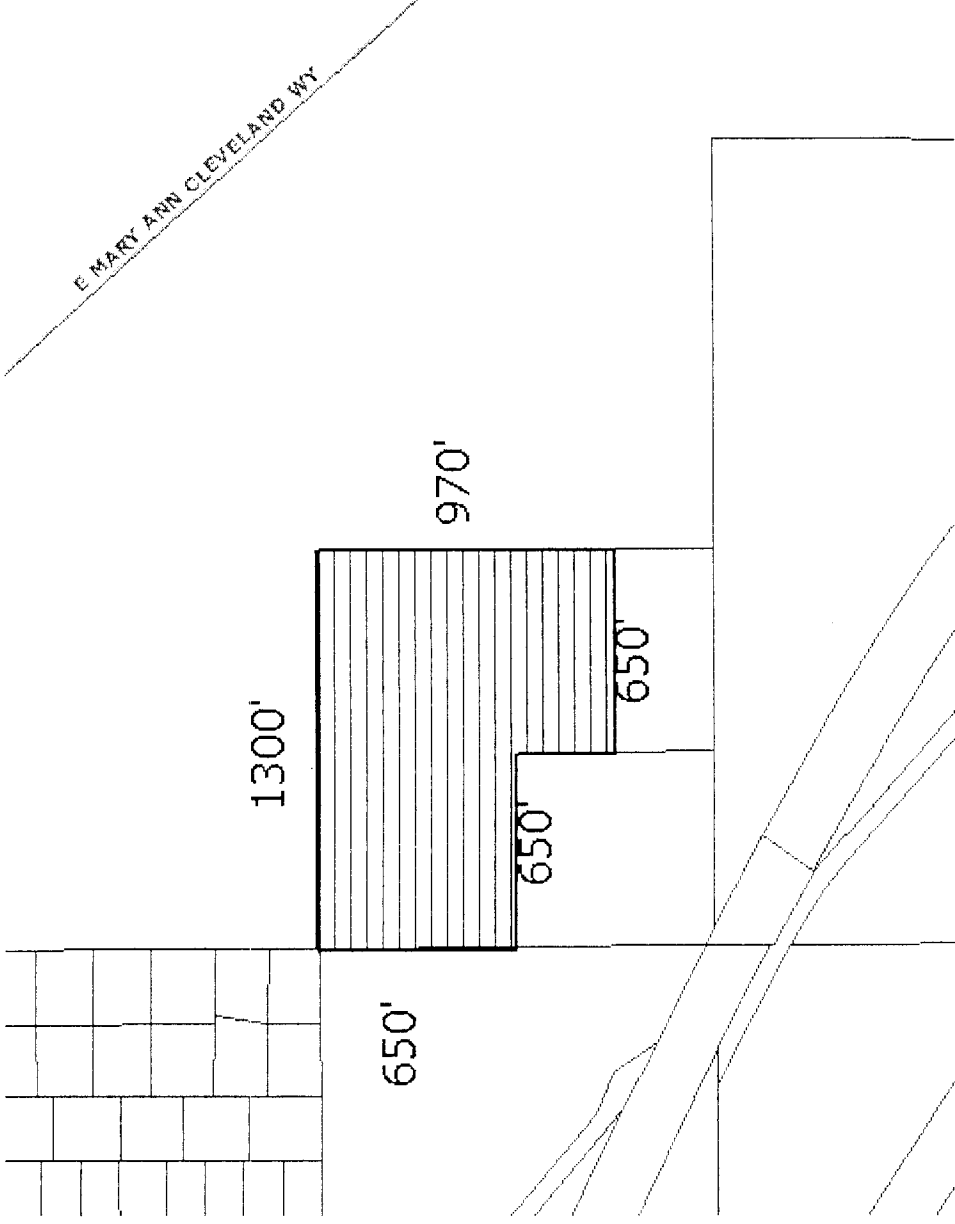


- c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
  - 1) Minimum - none
  - 2) Maximum - 10 RAC
- d. 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, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
  - 1) Minimum – 3 RAC
  - 2) Maximum – 5 RAC
- e. 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) GC Golf Course Zone
  - 2) CR-1 Single Residence Zone
  - 3) CR-2 Single Residence Zone
  - 4) CR-3 Single Residence Zone
  - 5) SH Suburban Homestead Zone
  - 6) CR-4 Mixed-Dwelling Type Zone
  - 7) CR-5 Multiple Residence Zone
  - 8) CMH-1 County Manufactured and Mobile Home-1 Zone
  - 9) CMH-2 County Manufactured and Mobile Home-2 Zone
  - 10) MR Major Resort Zone
  - 11) TR Transitional Zone



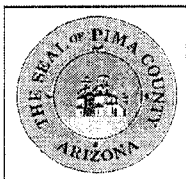
CO7-13-02 SMITH VIRGIL B REVOCABLE LIVING TRUST—S FREEMAN ROAD ALIGNMENT PLAN AMENDMENT

## ZONING MAP



CO7-13-02 SMITH VIRGIL B REVOCABLE LIVING TRUST—S FREEMAN ROAD ALIGNMENT PLAN AMENDMENT

### SUBJECT SITE DIMENSIONS



## PIMA COUNTY COMPREHENSIVE PLAN

### 2013 PLAN AMENDMENT PROGRAM

#### Application



#### SECTION I. OWNER/APPLICANT INFORMATION

PROPERTY OWNER(S): Virgil B. Smith, as Trustee of the Virgil B. Smith\*

DAYTIME PHONE: (520) 762-5486 FAX: None

ADDRESS: 100 W. Camino del Emperador

Tucson, AZ 85641 E-MAIL: \_\_\_\_\_

APPLICANT (if other than owner): Vail Smith, L.L.C. (Attn: Steve Lenihan)

DAYTIME PHONE: (520) 271-2284 FAX: (520) 293-0539

ADDRESS: 1050 E. River Road, Suite 300

Tucson, AZ 85718 E-MAIL slenihan@usa.net

#### SECTION II. AMENDMENT REQUEST INFORMATION

TAX CODE NO(S): 305-07-001D

TOTAL ACRES: 25

GENERAL PROPERTY LOCATION: Approx 1/2 mile south of Mary Ann Cleveland and  
1 1/2 miles northwest of Colossal Cave Road, Vail, AZ

COMPREHENSIVE PLAN SUBREGION(S): RSSR - Rincon Southeast/Santa Rita

ZONING BASEMAP(S): 134 BOARD OF SUPERVISORS DISTRICT(S): 4

CURRENT/CONDITIONAL ZONING: RH

EXISTING LAND USE: Vacant land

CURRENT PLAN DESIGNATION(S) AND ACREAGE(S): LIR - 25 acres

REQUESTED PLAN DESIGNATION(S) AND ACREAGE(S): MIU - 25 acres

SPECIAL AREA OR REZONING POLICIES BY POLICY #, WHICH CURRENTLY APPLY TO THE PROPERTY:

None to my knowledge

\*Revocable Living Trust dated July 20, 2010.

**SPECIAL AREA OR REZONING POLICIES PROPOSED AS PART OF THE AMENDMENT REQUEST:**

None

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**SECTION III. SURROUNDING PROPERTIES INFORMATION**

**CURRENT PLANNED LAND USE DESIGNATIONS OF SURROUNDING PROPERTIES (within 500 feet):**

**NORTH:** NLDR (4RAC) (City)      **SOUTH:** LIR/MIU (County)  
**EAST:** NLDR (4RAC) (City)      **WEST:** MIR (County)

**EXISTING USES OF SURROUNDING PROPERTIES (within 500 feet):**

**NORTH:** Vacant Land / Northwest: Residential  
**SOUTH:** Vacant Land and one residence  
**EAST:** Vacant Land  
**WEST:** Vacant land

**EXISTING AND CONDITIONAL ZONING OF SURROUNDING PROPERTIES (within 500 feet):**

**NORTH:** MH-1 (City)      **SOUTH:** RH/CR-5 (County)  
**EAST:** MH-1 (City)      **WEST:** GR-1 (County)

**SECTION IV. REASONS FOR PROPOSED AMENDMENT**

Please refer to Section I(F) of the Application Process Requirements document. Explain why you think one or more of the reasons described in Section I(F) support your Plan Amendment request. Attach additional page(s), if necessary.

See attached statement - Exhibit A

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## SECTION V. BIOLOGICAL RESOURCES & COMPATIBILITY WITH THE MAEVEEN MARIE BEHAN (MMB) CONSERVATION LANDS SYSTEM

On a separate sheet, please answer the following questions as they relate to the amendment site. Most of the requested information can be found by accessing the on-line Sonoran Desert Conservation Plan (SDCP) MapGuide Map at <http://gis.pima.gov/maps>

See Attached Exhibit B

### A. Landscape Resources

1. Identify whether the proposed project site occurs wholly or partially within any Maeveen Marie Behan Conservation Lands System Category including Important Riparian Areas and Special Species Management Areas.
2. Identify whether the proposed project occurs in the vicinity of any of the six general areas identified as Critical Landscape Linkages. (Critical Landscape Linkages are not viewable on MapGuide. General locations of these 6 general areas can be found on the attached hardcopy of the Maeveen Marie Behan Conservation Lands System Map; a map and textual descriptions of Critical Landscape Connections can be found at <http://www.dsd.pima.gov> under the Planning > Long Range Planning - Comprehensive Planning menu.)
3. If the property is a Habitat Protection or Community Open Space priority acquisition property, as displayed on SDCP MapGuide, identify which designation applies to the site and comment on the status of communications, if any, between the owner and Pima County regarding the County's potential acquisition of the property.

### B. Species Specific Resources – Federally Listed Threatened/Endangered Species and Pima County SDCP Species

1. Cactus Ferruginous Pygmy-owl:
  - a. Does the proposed amendment site occur within Survey Zone 1 or a Priority conservation Area for the cactus ferruginous pygmy-owl? If so, please specify which designation applies to the site.
  - b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of the cactus ferruginous pygmy-owl within a three-mile radius of the proposed amendment site? (<http://www.azgfd.gov/hgis>)
  - c. Has the proposed amendment site been surveyed for the pygmy-owl? If yes, provide the date(s) when surveys were done and a summary of the results.
2. Pima Pineapple Cactus:
  - a. Does the proposed amendment site occur within the Priority Conservation Area for the Pima pineapple cactus? This information is viewable on the SDCP MapGuide.
  - b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of Pima pineapple cactus within a three-mile radius of the proposed amendment site?
  - c. Have Pima pineapple cactus been found on the proposed amendment site?
  - d. Has the proposed project amendment site been surveyed for Pima pineapple cactus? If yes, provide the date(s) when surveys were done and a summary of the results.

3. Needle-spined Pineapple Cactus:
  - a. Does the proposed amendment site occur within the Priority Conservation Area for the Needle-spined pineapple cactus? This information is viewable on the SDCP MapGuide.
  - b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of Needle-spined pineapple cactus within a three-mile radius of the proposed amendment site?
  - c. Have Needle-spined pineapple cactus been found on the proposed amendment site?
  - d. Has the proposed project amendment site been surveyed for Needle-spined pineapple cactus? If yes, provide the date(s) when surveys were done and a summary of the results.
4. Western Burrowing Owl:
  - a. Does the proposed amendment site occur within a Priority Conservation Area for the western burrowing owl? This information is viewable on SDCP MapGuide.
  - b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location or locations of the western burrowing owl within a three-mile radius of the proposed amendment site?
  - c. Have western burrowing owls been found on the proposed amendment site?
  - d. Has the proposed amendment site been surveyed or investigated for the presence of western burrowing owls? If yes, provide the date(s) when surveys or investigations were done and a summary of the results.

## SECTION VI. SUBMITTALS

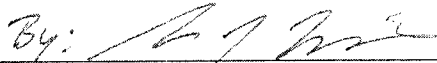
### THE FOLLOWING ITEMS MUST BE INCLUDED IN THE APPLICATION:

- ☒ Site map - refer to Section I(E) of this application form for requirements. See attached Exhibit C
- ☒ Ownership verification:
  - Assessor's map and property inquiry (APIQ) printout. See Exhibit D
  - Original letter(s) of authorization (if applicant is not the property owner). See Exhibit E
  - If a trust, original signature of trust officer and list of beneficiaries (if applicable).
  - If a corporation, original signature with person's title and the list of corporate officers (if applicable).
- ☒ PDF files of application materials, if applicable. See accompanying Flash Drive
- ☐ Additional materials, if any
- ☒ Processing Fee (See attached *Comprehensive Plan Amendment Fee Schedule Summary*).

## SECTION VII.

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

VAIL SMITH, LLC.

By: 

SIGNATURE OF APPLICANT

4/22/13

DATE

Stephen J. Lenihan,  
Pres. of Mgr. of Vail Smith, LLC.

NAME OF APPLICANT - PRINTED



**Exhibit A**  
**to**  
**Pima County Comprehensive Plan Application**  
**RE: Section VI (Statement Regarding Reasons for Plan Amendment Request)**

The proposed Plan Amendment would promote the implementation of the Growing Smarter Act by providing for compact development and thereby facilitating multi-modal transportation opportunities, including bus or other mass-transit. Further, the development of this property would involve rational infrastructure expansion and improvements. In fact, much of the infrastructure either currently exists or will be brought to the property as a result of a nearly-adjacent subdivision. Vail Water Company is in the process of extending a waterline approximately five hundred feet south of the subject property. In connection with the development of the nearly-adjacent Vista del Lago Norte, a sewer line will be extended through the subject property to Mary Ann Cleveland. Electric, telephone, natural gas and cable television will be extended to the property as a result of the nearly-adjacent Vista del Lago Norte subdivision. The proposed subdivision will also involve the conservation of natural resources in that the two small washes that traverse the property will be maintained in their natural state, thereby providing wildlife corridors as well as areas for hikers, bird watchers and others who enjoy the natural habitat.

The proposed Plan Amendment is consistent with the Maeveen Marie Behan Conservation Lands System in that the subject property is outside the area impacted by the Conservations Lands System.

The proposed Plan Amendment will assist in the fulfillment of the Annual Plan Amendment Program's "purpose" as it relates to an opportunity to address significant changes in the area since the adoption of the Plan. While the nearby Rancho del Lago Master Planned Community is substantially built out, other subdivisions in the area are currently under development. Approximately one-quarter mile southeast of subject property, D.R. Horton is currently developing its Vista del Lago subdivision and approximately three-quarters of a mile northwest of the subject property Diamond Ventures, Pulte and Richmond American are developing Mountain Vail Estates. It has recently been announced that as a result of the acquisition of Rincon Knolls by a new owner, that subdivision will also be

developed in the very near future. Rincon Knolls is located approximately three-quarters of a mile east of the subject property.

This area has been recognized by homebuilders and homebuyers alike, largely due to the excellent schools in the area and the close proximity to Colossal Cave and other recreational opportunities in the Rincon Mountains.

EXHIBIT B  
to  
Pima County Plan Amendment Application  
Re: Section V.B (Biological Resources)  
Vail Smith LLC, 25 Acres  
Parcel # 305-07-001D

SECTION V.

A. Landscape Resources

1. Identify whether the proposed project site occurs wholly or partially within any Maeveen Marie Behan Conservation Lands System Category including Important Riparian Areas and Special Species Management Areas.

**No.**

2. Identify whether the proposed project area occurs in the vicinity of any of the six general areas identified as Critical Landscape Linkages.

**No.**

3. If the property is a Habitat Protection or Community Open Space priority acquisition property, as displayed on the SDCP MapGuides, identify which designation applies to the site and comment on the status of communications, if any, between the owner and Pima County regarding the County's potential acquisition of the property.

**The property is not a Habitat Protection or Community Open Space priority acquisition property.**

B. Species-Specific Resources (Federally listed Threatened/Endangered Species and Pima County SDCP Species)

1. Cactus Ferruginous Pygmy-owl:

- a. Does the proposed project site occur within Survey Zone 1 or a Priority Conservation Area for the cactus ferruginous pygmy-owl? If so, please specify which designation applies to the site.

**The proposed amendment site is not located within Survey Zone 1 or a Priority Conservation Area for the cactus ferruginous pygmy-owl.**

- b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of the cactus ferruginous pygmy-owl within a three-mile radius of the proposed amendment site?

**The proposed amendment site is not within a three-mile radius of any known location of the cactus ferruginous pygmy-owl.**

c. Has the proposed amendment site been surveyed for the pygmy owl? **No.** If yes, provide the date(s) when surveys were done and a summary of the results.

**2. Pima Pineapple Cactus:**

a. Does the proposed project site occur within the Priority Conservation Area for the Pima pineapple cactus?

**No.**

b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of the pima pineapple cactus within a three-mile radius of the proposed amendment site?

**Yes, the proposed amendment site is documented by the Arizona Game and Fish Department's Heritage Data Management System to be within a three-mile radius of a known location for pima pineapple cactus.**

c. Have Pima Pineapple Cactus been found on the proposed amendment site?

**No.**

d. Has the proposed amendment site been surveyed for the pima pineapple cactus? **No.** If yes, provide the date(s) when surveys were done and a summary of the results.

**3. Needle-Spined Pineapple Cactus:**

a. Does the proposed project site occur within the Priority Conservation Area for the needle-spined pineapple cactus?

**No.**

b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of the needle-spined pineapple cactus within a three-mile radius of the proposed amendment site?

**Yes, the proposed amendment site is documented by the Arizona Game and Fish Department's Heritage Data Management System to be within a three-mile radius of a known location for needle-spined pineapple cactus.**

c. Have needle-spined pineapple cactus been found on the proposed project site?

**No.**

d. Has the proposed project site been surveyed for needle-spined pineapple cactus? **No.** If yes, disclose the date when surveys were done and provide a summary of the results.

4. **Western Burrowing Owl:**

a. Does the proposed project site occur within the Priority Conservation Area for the western burrowing owl?

**No.**

b. Does the Arizona Game and Fish Department's Heritage Data Management System document a known location(s) of the needle-spined pineapple cactus within a three-mile radius of the proposed amendment site?

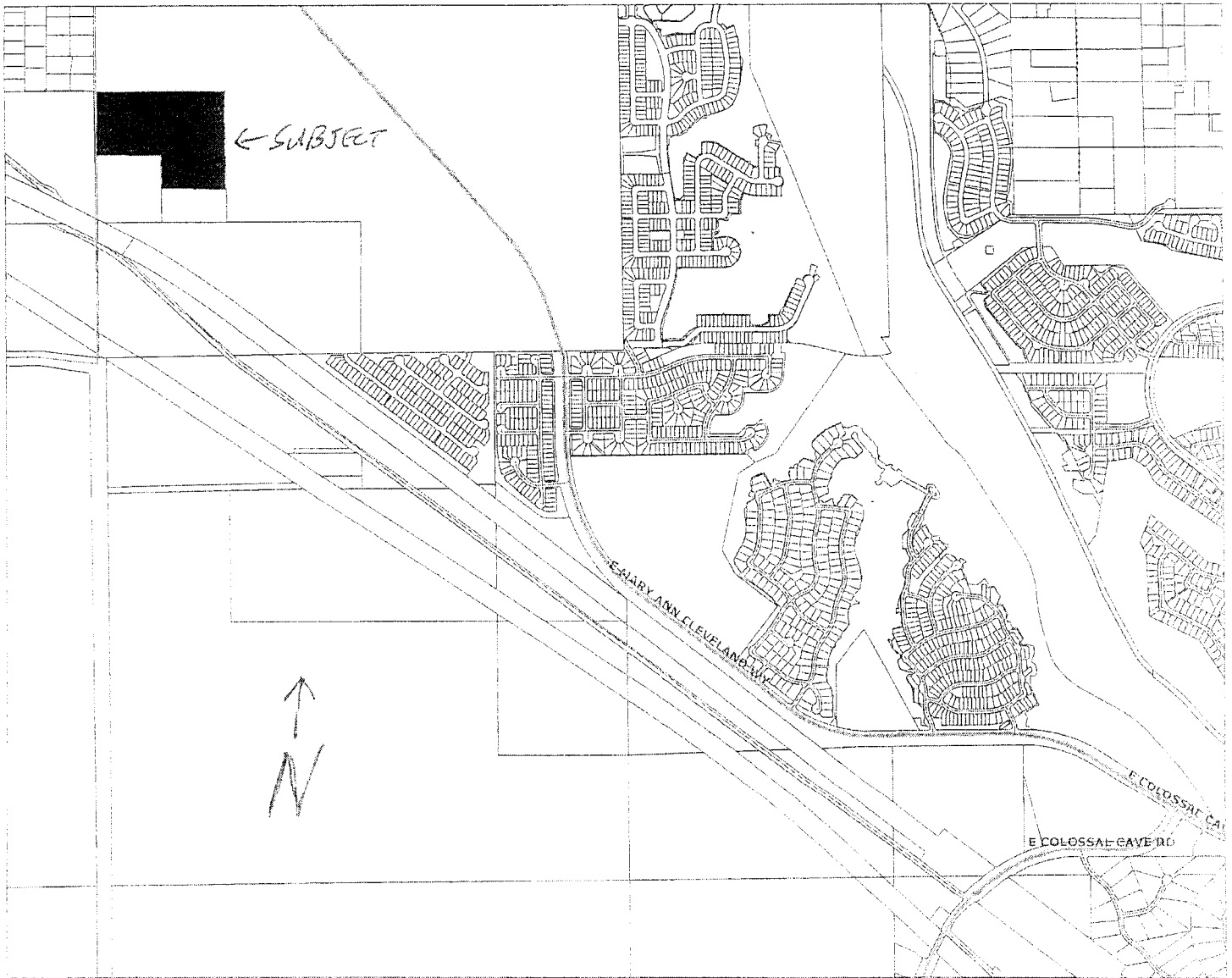
**The proposed amendment site is not within a three-mile radius of any known location of the western burrowing owl.**

c. Have western burrowing owls been found on the proposed project site?

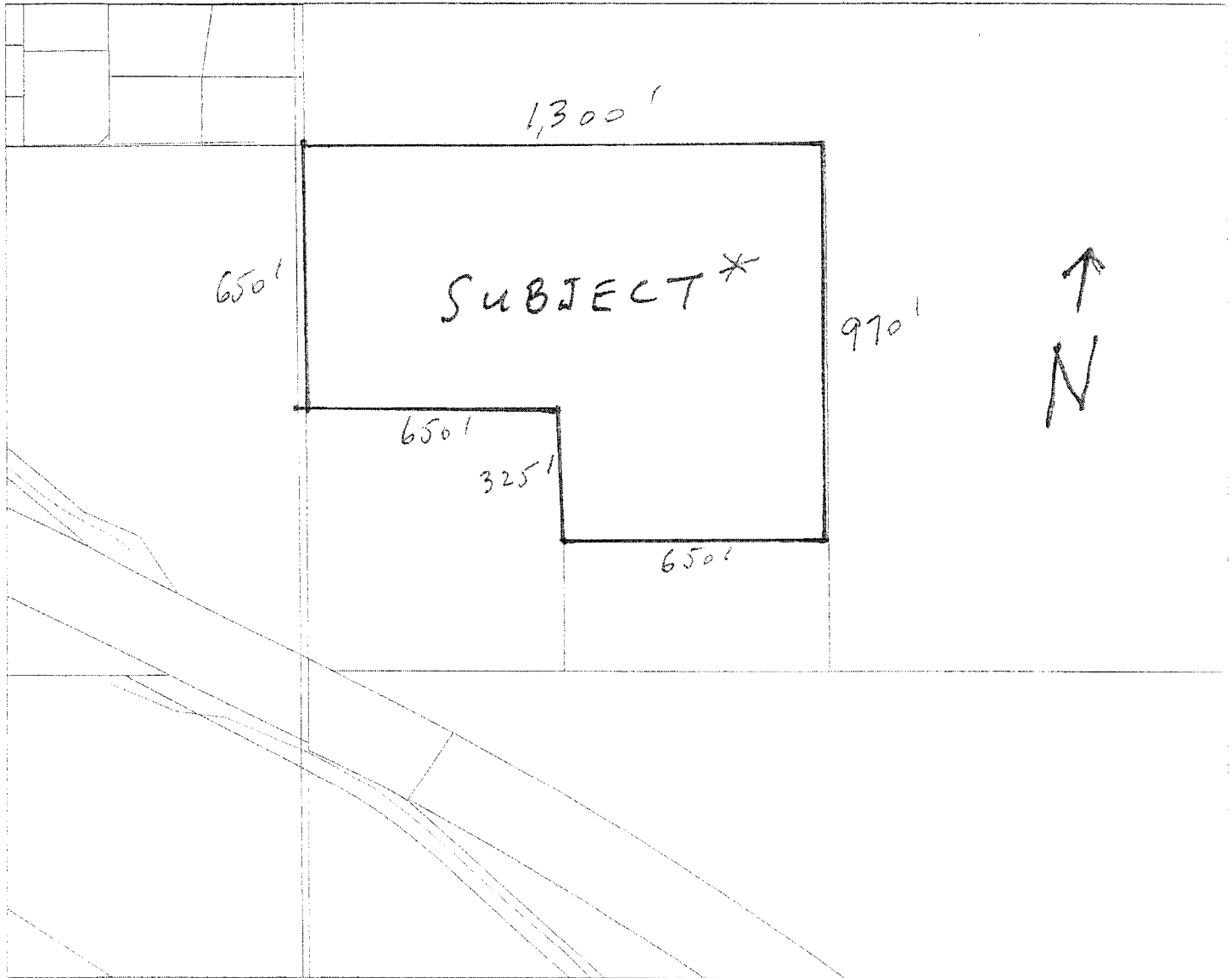
**No.**

d. Has the proposed project site been surveyed for burrowing owls? **No.** If yes, disclose the dates when surveys or investigations were done and provide a summary of the results.

PROPERTY LOCATION  
AND ADJACENT (NEARBY) ROADWAYS

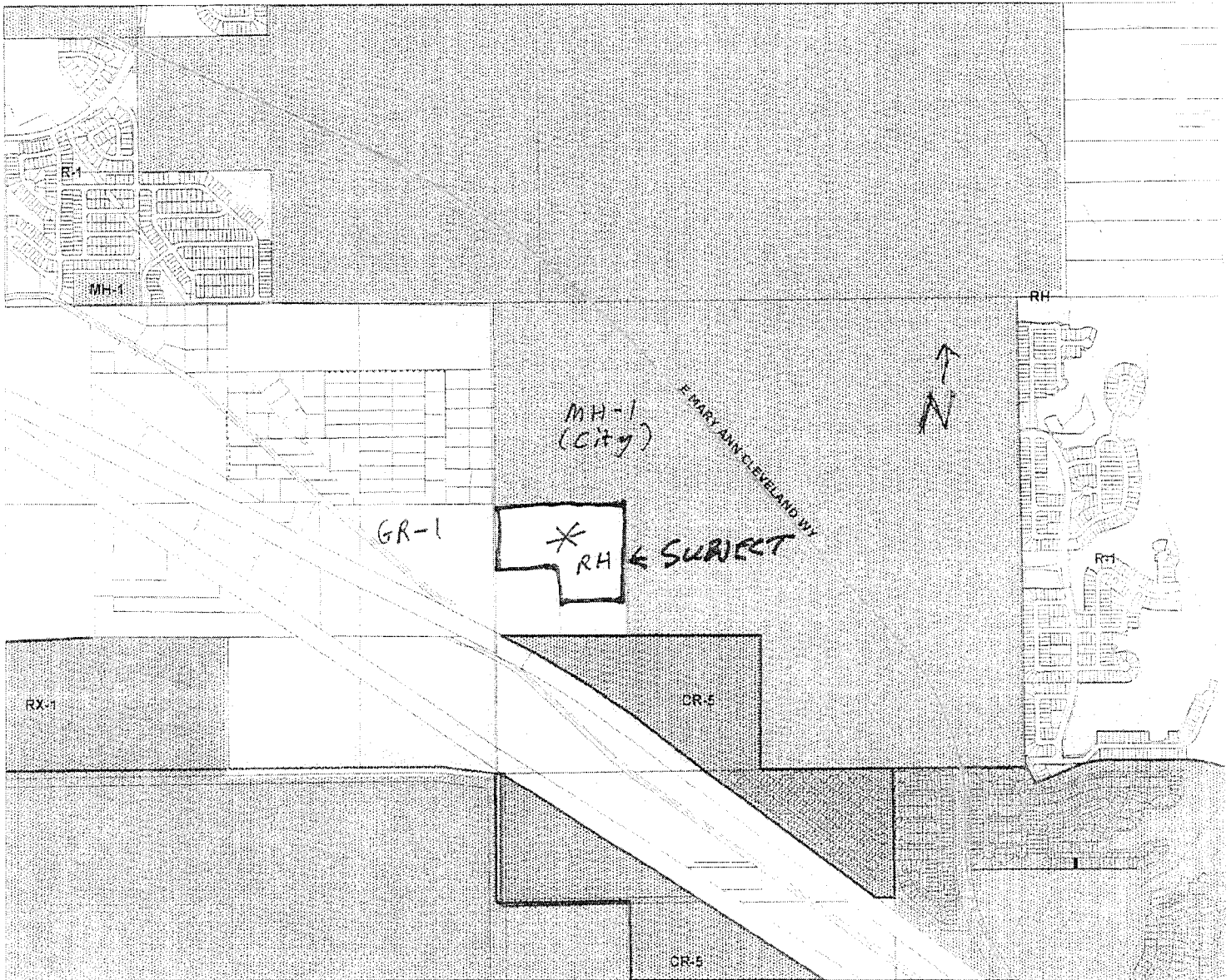


PROPERTY DIMENSIONS &  
EXISTING STRUCTURES - NONE



\* There are no existing structures on the property.

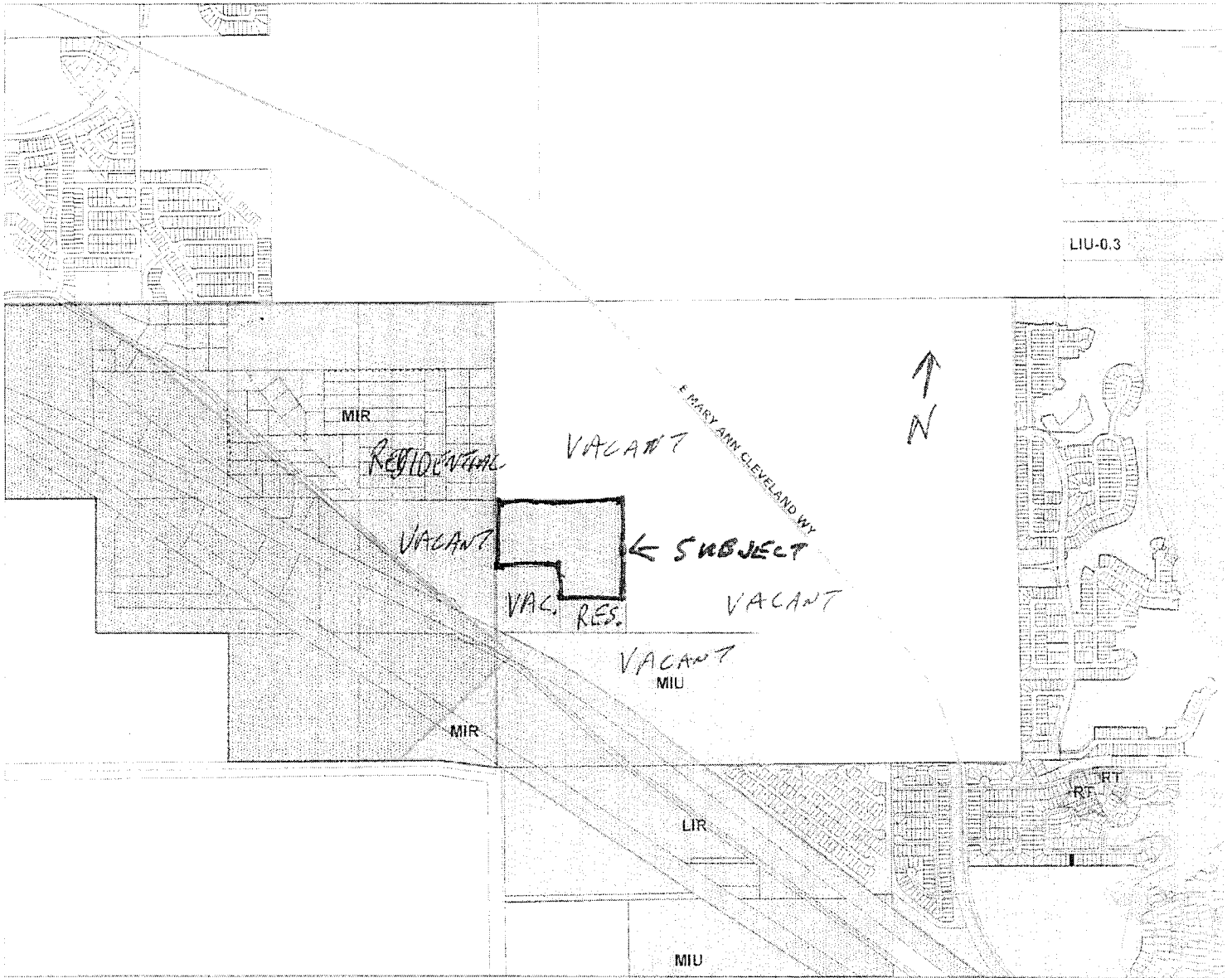
EXISTING ZONING  
+  
EXISTING + PROPOSED  
LAND USE DESIGNATIONS



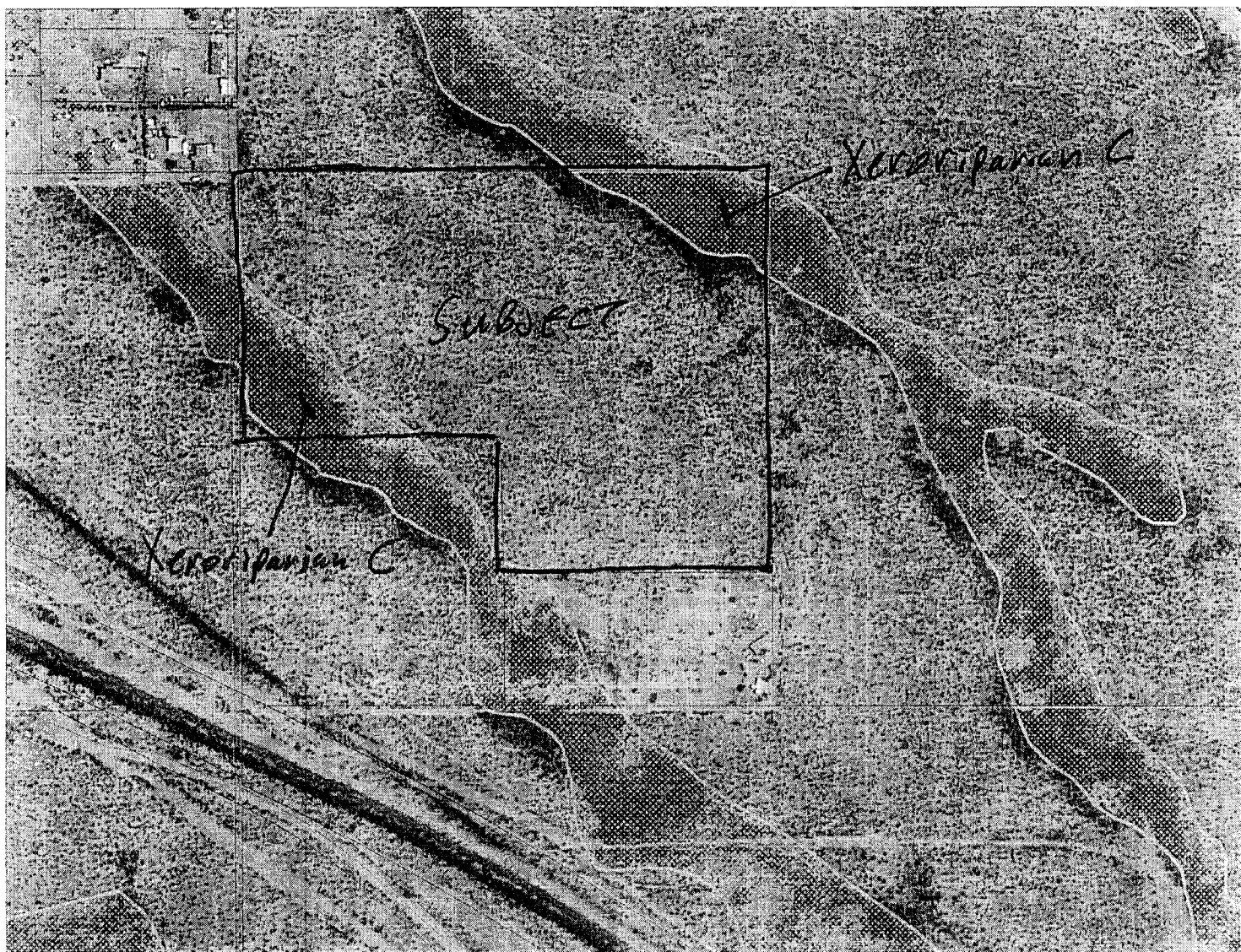
\* Existing - LIR  
Proposed - MIU



# PROPOSED LAND USES + EXISTING LAND USES



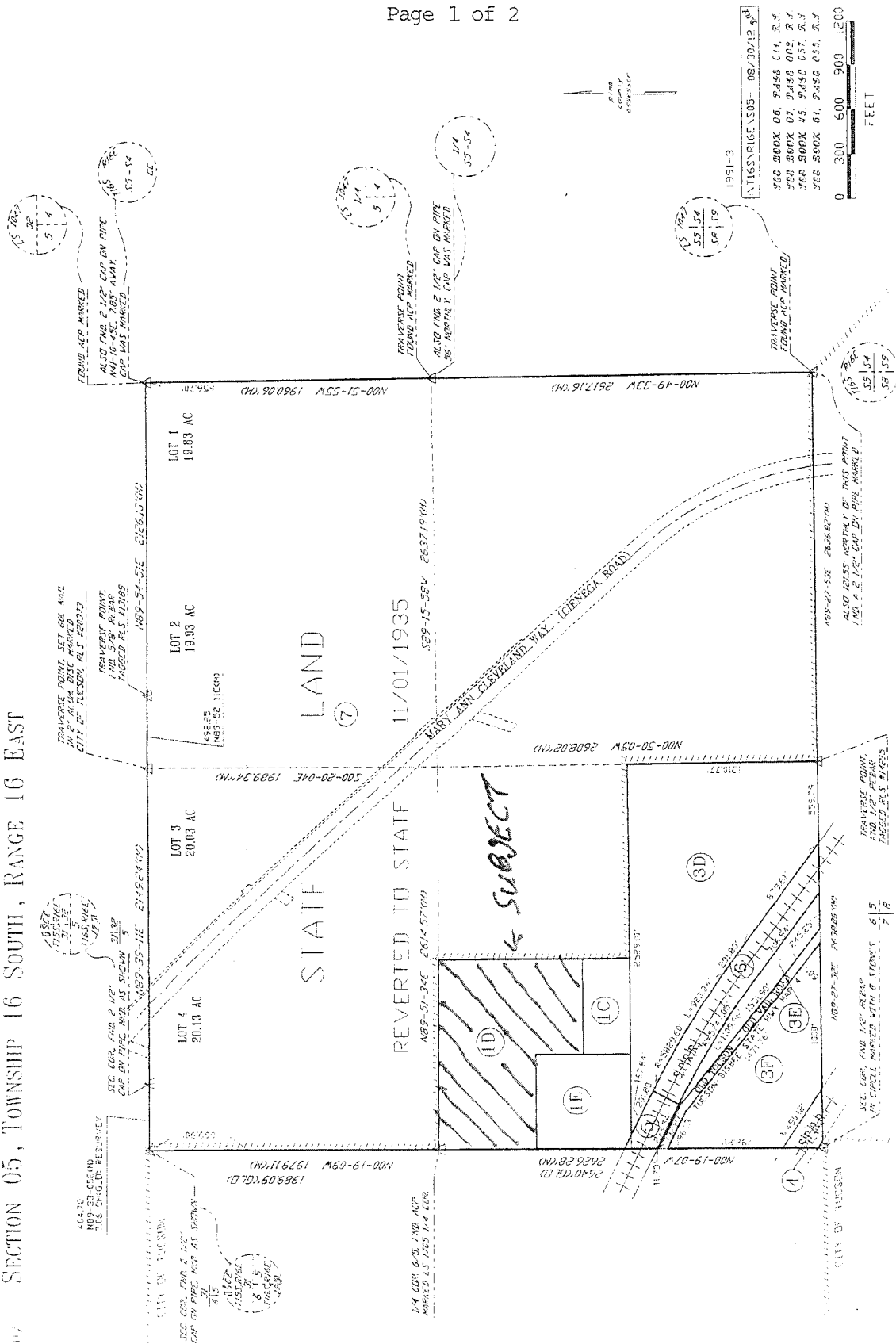
WASHE + RIPARIAN AREAS



## SECTION 05, TOWNSHIP 16 SOUTH, RANGE 16 EAST

SECTION 05, TOWNSHIP 16 SOUTH, RANGE 16 EAST

EXHIBIT D  
Page 1 of 2



Book-Map-Parcel: 305-07-001D

Oblique Image

Tax Year:

Tax Area: 2000

Property Address:

Taxpayer Information:

SMITH VIRGIL B REVOC LIVING TR  
100 W CAMINO DEL EMPERADOR  
CORONA DE TUCSON AZ

Property Description:

N2 NW4 SW4 &amp; N2 SE4 NW4 SW4 25 AC SEC 5-16-16

85641- 2005

Valuation Data:

		2013			2014			
	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE
LAND FCV	Vacant/Ag/Golf (2)	\$87,500	16.0	\$14,000	Vacant/Ag/Golf (2)	\$87,500	16.0	\$14,000
IMPR FCV		\$0				\$0		
TOTAL FCV	Vacant/Ag/Golf (2)	\$87,500	16.0	\$14,000	Vacant/Ag/Golf (2)	\$87,500	16.0	\$14,000
LIMITED VALUE	Vacant/Ag/Golf (2)	\$87,500	16.0	\$14,000	Vacant/Ag/Golf (2)	\$87,500	16.0	\$14,000

Property Information:

Section: 5  
Town: 16.0  
Range: 16.0E  
Map & Plat: /  
Block:  
Tract:  
Rule B District: 15  
Land Measure: 25.00A  
Group Code  
Census Tract: 4028  
Use Code: 0014 (VACANT RESIDENTIAL RURAL NON-SUBDIVIDED )  
File Id: 1  
Date of Last Change: 10/25/2011

Valuation Area:

Condo Market: 610  
DOR Market: 61  
MFR Neighborhood: EAST\_SOUTHEAST  
SFR Neighborhood: 20403920  
SFR District: 19

Recording Information:

Sequence No.	Docket	Page	Date Recorded	Type
20112420941	0	0	2011-08-30	QUIT CLAIM DEED
20101430082	13859	237	2010-07-27	CERTIFICATE DEATH
20101430083	13859	238	2010-07-27	QUIT CLAIM DEED
20070790308	13040	955	2007-04-24	JOINT TENANCY DEED
19990790999	11033	2771	1999-04-26	
94128267	9823	2170	1994-06-28	

EXHIBIT E

*AUTHORIZATION*

April 10, 2013

Planning Division  
Pima County Development Services Department  
201 N. Stone Ave. 2<sup>nd</sup> Floor  
Tucson, AZ 85701

Reference: *Comprehensive Plan Amendment - Tax Parcel 305-07-001D*

To Whom It May Concern:

I hereby authorize Vail Smith, L.L.C., Stephen J. Lenihan and/or Duff C. Hearon, or any of them, to act on behalf of above-referenced property during the Comprehensive Plan Amendment process and subsequent rezoning process.

Sincerely,

The Virgil B. Smith Revocable Living  
Trust dated July 20, 2010

By: *Virgil B. Smith*  
Virgil B. Smith, Trustee

## Donna Spicola

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**From:** Steve Lenihan <slenihan@usa.net>  
**Sent:** Wednesday, July 17, 2013 10:08 AM  
**To:** Donna Spicola  
**Cc:** Duff Hearon  
**Subject:** Virgil Smith Trust Plan Amendment - Neighbor Meeting

Donna,

As we discussed Monday, Duff Hearon and I were having a meeting with our neighbors that evening, July 16, 2013, at Empire High School. We thought that the meeting went well. The neighbors brought up several issues which are as follows:

1. Drainage. They indicated that they have significant drainage problems. It had rained earlier that evening, so after the meeting we visited some of the lots near our property. Looking at an aerial it appears that the existing neighborhood design did not address drainage flows. We explained to them that we would be keeping the washes natural and that we would retain/detain on-site sufficient drainage flows so that we would not increase the flow of water to them nor would we change location of the flows exiting our property. Drainage is clearly their biggest concern and we will keep them in the loop as we address drainage issues during the rezoning and the platting process.
2. Possible contamination of wells due to drainage. Being that our proposed use is limited to residential, we do not see that we would be a source of contamination. Also there would be no use of septic inasmuch as we would be connected to public sewer.
3. They do not want our access to run north to Mary Ann Cleveland adjacent to their lots. We indicated to them that we would be obtaining access to the south or to the northeast from our property and thus our access would not be adjacent to them.
4. They mentioned that perhaps we could provide fire access through our property to their neighborhood. It would seem that we should be able to provide emergency access without providing public access. That way we don't increase traffic through their neighborhood.
5. They asked who will be our water provider. We explained to them that our water is provided by Vail Water Company.

6. They asked that lots near them be limited to single story. We indicated to them that during the rezoning process we would like to sit down with them and look at a lot layout and discuss which lots should be limited to single story.

Donna, should you have any questions, please do not hesitate to call me. We look forward meeting you on July 31, 2013, at the Planning and Zoning Commission Hearing.

Steve

Stephen J. Lenihan  
1050 E. River Road, Suite 300  
Tucson, AZ 85718  
Phone: (520) 293-1702  
Fax: (520) 293-0539



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# MEMORANDUM


Planning & Development  
Regional Flood Control District

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DATE: June 13, 2013

TO: Donna Spicola, DSD  
Planner

FROM:  Greg Saxe, M.R.P. Ph.D.  
Environmental Planning Manager

SUBJECT: Co7-13-02 Smith Virgil B Revocable Living trust – S. Freeman Road Alignment  
Comprehensive Plan Amendment

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I have reviewed the request and have the following comments:

1. Two regulatory watercourses impact the site. FEMA Special Flood Hazard Area Zone A Impacts the wash in the northeast corner of the site.
2. Pima County Regulated Riparian Habitat is associated with both watercourses. Based upon aerial photography there may be a projection error associated with the habitat as mapped and the locations may require correction prior to site design. The applicant is encouraged to contact the District's Water Resources Division regarding this prior to seeking a rezoning or other entitlement.
3. No drainage complaints are associated with this parcel.

In conclusion, PCRFCDD has **no objection** to this request or policies to recommend.

Please feel free to contact me with any questions or concerns on these comments.

GS/sm

cc: File