



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 1/18/2022

*\*= Mandatory, information must be provided*

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

**\*Title:**

Co9-07-20 SAHUARITA CORNERS LP/EQUIVEST PROPERTIES LP – KOLB ROAD REZONING

**\*Introduction/Background:**

The applicant requests closure of a 20-acre portion of a rezoning to allow the property to revert back to the original RH (Rural Homestead) zoning. The rezoning was from RH (Rural Homestead) to the GR-1 zone .

**\*Discussion:**

The 20-acre site is a portion of a 149.7-acre rezoning to GR-1 for 85 single-family residential lots. Since the property was rezoned, ordinance 2010-053 was adopted. The rezoning expired April 16, 2015. A rezoning closure for 129.7 acres was approved on August 6, 2019. The site remains undeveloped, no progress has been made to satisfy the rezoning conditions and is located outside of the MMBCLS.

**\*Conclusion:**

Closure will cause the GR-1 zoning to revert to the RH zoning, which conforms to the Medium Intensity Rural comprehensive plan land use designation.

**\*Recommendation:**

Staff recommends APPROVAL of the closure.

**\*Fiscal Impact:**

0

**\*Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Donna Spicola, Planner

Telephone: 520-724-9513

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

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

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

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

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

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



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**TO:** Honorable Steve Christy, Supervisor, District 4

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

**DATE:** December 27, 2021

**SUBJECT:** Co9-07-20 SAHUARITA CORNERS LP/EQUIVEST PROPERTIES LP – KOLB ROAD REZONING

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JANUARY 18, 2022** hearing.

**REQUEST:** For **closure** of a 20.0-acre portion of rezoning Co9-07-20 (parcel codes 305-22-1000, 305-22-1030, 305-22-1050 and 305-22-1060), located on the west side of the S. Kolb Road alignment, approximately one-half mile north of E. Sahuarita Road. The original 149.7-acre rezoning was from the RH (Rural Homestead) to the GR-1 (Rural Residential) zone located on the northwest corner of Sahuarita Road and the Kolb Road alignment.

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

**AGENT:** Kale Investment Company, LLC  
Attn: Craig Courtney  
5151 N. Oracle Rd, Suite 210  
Tucson, AZ 85704

**DISTRICT:** 4

**STAFF CONTACT:** Donna Spicola, Planner

**PUBLIC COMMENT TO DATE:** As of December 27, 2021, staff has received no public comment.

**STAFF RECOMMENDATION:** APPROVAL OF CLOSURE

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

TD/DS  
Attachments



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**BOARD OF SUPERVISORS MEMORANDUM**

**Subject: Co9-07-20**

**Page 1 of 2**

**FOR JANUARY 18, 2022 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

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

**DATE:** December 27, 2021

**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING CLOSURE**

**Co9-07-20 SAHUARITA CORNERS LP/EQUIVEST PROPERTIES LP – KOLB ROAD REZONING**

Seth Hoyte, represented by Kale Investment Company, LLC, requests **closure** of a 20.0-acre portion of rezoning Co9-07-20 (parcel codes 305-22-1000, 305-22-1030, 305-22-1050 and 305-22-1060), located on the west side of the S. Kolb Road alignment, approximately one-half mile north of E. Sahuarita Road. The original 149.7-acre rezoning was from the RH (Rural Homestead) to the GR-1 (Rural Residential) zone located on the northwest corner of Sahuarita Road and the Kolb Road alignment. The rezoning was conditionally approved in 2010 and expired on April 16, 2015. Staff recommends **CLOSURE**.  
(District 4)

**STAFF RECOMMENDATION**

Staff recommends **CLOSURE** of the 20.0-acre portion of the rezoning from the RH (Rural Homestead) to the GR-1 (Rural Residential) zone. The use on the site, in conjunction with an additional 129.7 acres, was to allow 85 single-family residential lots. Seth Hoyte, the owner of the four parcels (305-22-1000, 305-22-1030, 305-22-1050 and 305-22-1060), requests closure of the GR-1 rezoning.

**REQUEST OF APPLICANT**

The owner has submitted a letter requesting closure of the case.

**PLANNING REPORT**

The original rezoning site consisted of eight parcels totaling 149.7 acres. The rezoning from the RH to the GR-1 zone was conditionally approved on April 16, 2010. Rezoning Ordinance 2010-53 was adopted on August 16, 2010, subject to standard and special rezoning conditions. The rezoning expired on April 16, 2015. The conditions remain to be satisfied. Subsequently, a rezoning closure for 129.7 acres was requested and approved at the August 6, 2019 Board of Supervisors meeting. The zoning reverted to RH on the 129.7 acres leaving 20 acres conditionally zoned under rezoning Co9-07-20. The zoning code requires a public hearing to close a rezoning and cause the property to revert to its previous RH zoning classification (Section 18.91.100.F).

The site remains in its natural, undeveloped state. This closure request is for the remaining four parcels within the rezoning. Closure of the 20-acre portion of the rezoning would provide for the sites zoning to revert to RH zoning, which would conform to the Medium Intensity Rural (MIR) plan designation.

Recently, the applicant requested a comprehensive plan amendment to repeal Rezoning Policy RP-87 S. Kolb Road/E. Sahuarita Road, enacted over the entire rezoning site under comprehensive plan amendment Co7-06-17. The Board approved the amendment to repeal the policies on the applicant's 20 acres only, but the Department of Transportation requested an amended rezoning policy stating the following:

A Traffic Memorandum (TM) shall be submitted with the first submittal of a subdivision plat or development if finalized GR-1 (Rural Residential – Restricted) rezoning for Ordinance 2010-53 is sought. The TM shall be prepared in conformance with Pima County Subdivision and Development Street Standards.

This policy is currently awaiting resolution adoption. This rezoning closure would render the amended rezoning policy null and void.

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

Closure of the rezoning does not preclude the possibility of a future GR-1 rezoning of the subject parcel.

#### **TRANSPORTATION**

The Department of Transportation has no objection to the rezoning closure of the remaining 20-acre portion of rezoning Co9-07-20. The remaining 20 acres is subject to Ordinance 2010-53, transportation rezoning conditions 7 B, D, E and F. 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). Staff recommends approval of this rezoning closure request.

#### **FLOOD CONTROL**

No objection to closure.

#### **WASTEWATER RECLAMATION**

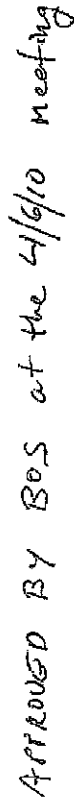
No objection to closure.

TD/DS

Attachments

c: Kale Investment Company, LLC, Attn: Craig Courtney, 5151 N. Oracle Rd, Suite 210  
Tucson, AZ 85704

## REVISED SAHUARITA CORNERS

[illegible]

Case #: Co9-07-20  
Case Name: SAHUARITA CORNERS LP/EQUIVEST PROPERTIES LP -  
KOLB ROAD REZONING  
Tax Code(s): 305-22-1000, 1030, 1050 & 1060

Aerial Exhibit



0 500 1,000 2,000 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

 <b>PIMA COUNTY</b> DEVELOPMENT SERVICES	Notes: <b>Rezoning Closure</b>		Ref Case #: P21SA00015		
	Map Scale: 1:14,000		Map Date: 12/14/2021 - ds		





## Land Use Legend and Map


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

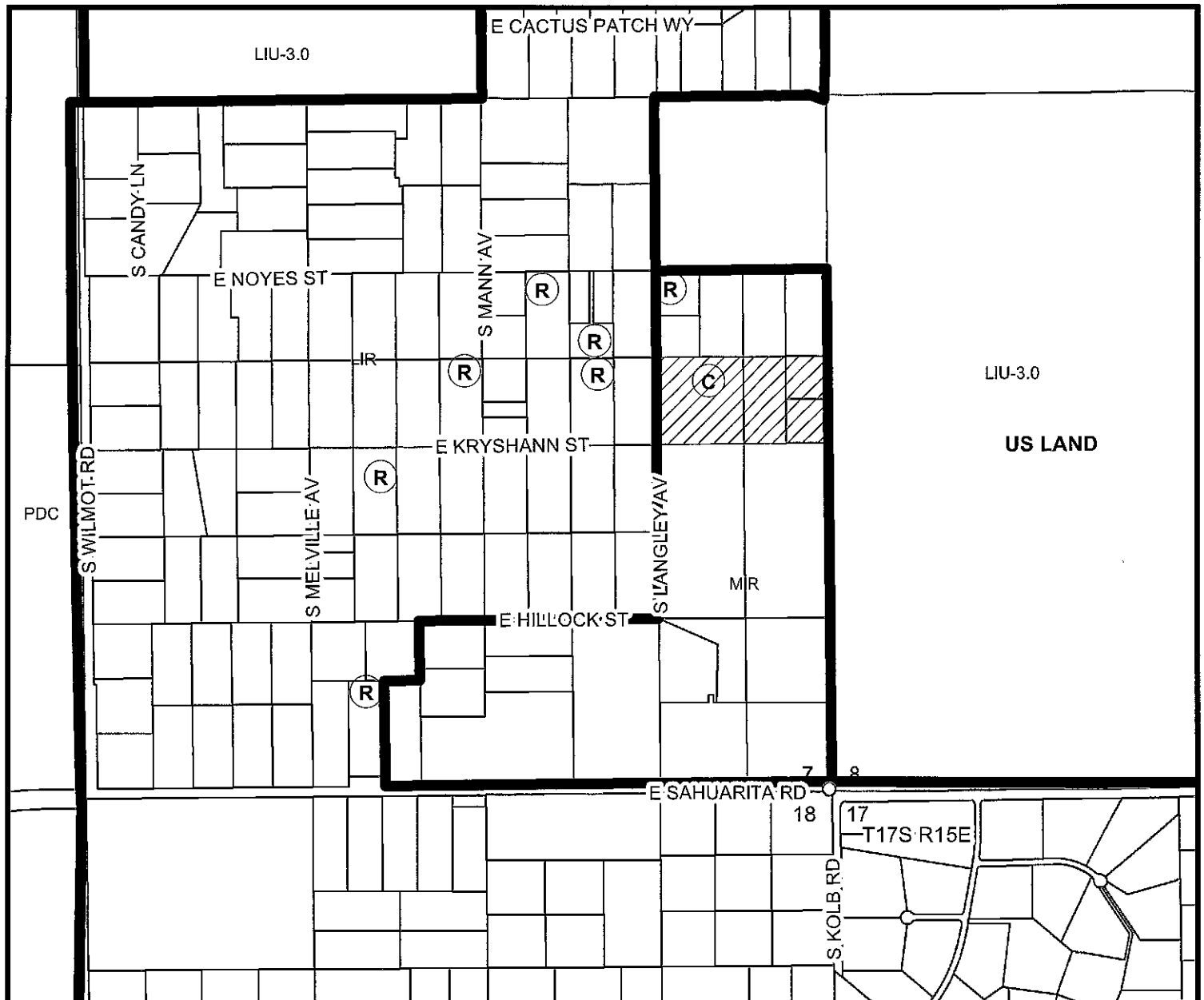
Objective: To designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials or suburban areas.

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

Case #: Co9-07-20  
Case Name: SAHUARITA CORNERS LP/EQUIVEST PROPERTIES LP -  
**KOLB ROAD REZONING**  
Tax Code(s): 305-22-1000, 1030, 1050 & 1060



**Comprehensive Plan Exhibit**

 Subject Site



0 500 1,000 2,000 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

	Notes: <b>Rezoning Closure</b>	Ref Case #: <b>P21SA00015</b>	
	<b>PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / P21CA00006</b>		
	Map Scale: 1:14,000	Map Date: 12/14/2021 - ds	

25. **DEVELOPMENT SERVICES: ~~CONDITIONAL USE PERMIT~~ REZONING**

The Board of Supervisors' on December 15, 2009, January 19, 2010 and February 9, 2010 continued the following:

Co9-07-20, SAHUARITA CORNERS L.P./EQUIVEST PROPERTIES L.P. - KOLB ROAD REZONING

Request of Sahuarita Corners L.P./Equivest Properties L.P., represented by The Planning Center, for a rezoning of approximately 149.7 acres from RH (Rural Homestead) to CR-1 (Rural Residential) on property located at the northwest corner of Sahuarita Road and the Kolb Road alignment. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voting Nay) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

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

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation Conditions
  - A. The property owner/developer shall dedicate 75 feet right-of-way for Sahuarita Road.
  - B. The property owner/developer shall dedicate 75 feet right-of-way for Kolb Road.
  - C. The property owner/developer shall dedicate an appropriate corner spandrel for the corner of Sahuarita/Kolb Road, as determined necessary by the Department of Transportation during plat review.
  - D. Pedestrian/bicycle access shall be provided from the proposed dead end streets to the collector and/or major roads. The Circulation Plan for which shall be approved by the Department of Transportation with the subdivision plat.
  - E. A pedestrian/bicycle trail compatible with the American's with Disabilities Act shall be provided along one side of the interior street network, as approved by the Department of Transportation.
  - F. The property owner/developer shall construct Kolb Road with a minimum of a curb/sidewalk on the west side, two vehicular travel lanes, and two bike lanes on the west half of the approved roadway cross section.
8. Environmental Quality condition:
  - A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
  - B. As a condition of rezoning, the applicant shall demonstrate that the new lots, as proposed, can accommodate a home site and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed

new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.

- C. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
9. Flood Control conditions:
- A. The Lee Moore Wash Basin Management Study FLO-2D Model shall be used for the Drainage Report, including encroachment analysis to be submitted with the plat.
  - B. Constructed Fill Pads shall be designed to be parallel to flow, to adequately include all development (including on-lot detention/water harvesting and septic systems), and to provide adequate erosion protection. No other development, including perimeter walls and accessory structures, shall be allowed if they are not within the pad. Pads shall also be provided with all-weather access driveways. Conceptual grading and lot layout demonstrating compliance with this condition shall be shown on the Tentative Plat.
  - C. Pad and driveway locations and minimum pad and finished floor elevations shall be provided on both the Tentative and Final Plats.
  - D. A Permitting Note shall be placed on the Final Plat stating: "No development, including walls and accessory structures, is allowed outside of the Building Envelopes designated on this plat."
  - E. Detention/Retention standards shall apply and a design for on-lot integrated detention and water harvesting systems, or alternative, including identifying the maintenance responsibility, shall be submitted with the drainage report at the time of platting. The volume required for each lot shall be provided on both the Tentative and Final Plats. For on-lot detention systems, a maintenance covenant shall be required from each lot owner prior to Final Inspections and this shall be a note on the plat.
  - F. The lot yield shall be a maximum of 85 lots reduced as needed and the lot layout shall meet floodplain to meet design criteria, including encroachment and detention criteria.
  - G. ~~The following note shall be added to the PDP:~~  
This PDP does not meet The tentative and final plat must conform to all FPMO compliance criteria. During review and approval of the Drainage Study to be submitted with the tentative plat; the lot configuration yield is likely to decrease, and the configuration and design of associated improvements, including those providing detention and all weather access, may change as necessary to meet FPMO criteria.
  - H. The applicant shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
  - I. Low Intensity Development (LID) water harvesting should be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.
  - J. An updated letter of intent to serve from a water service provider shall be submitted as part of the platting approval process.
10. Wastewater Management condition:
- The owner / developer must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
  - B. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.

12. **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. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
13. The number size of lots adjoining the northern and western site boundaries shall not exceed the number of lots shown on the Preliminary Development Plan approved at the public hearing in order to establish a reduced-density residential buffer area to create a transition between new residential development and the existing adjacent residential area.
14. 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
15. All saguaros 18 feet in height or greater or with arms six feet or greater in length shall remain in place.
16. Grading shall be limited to 20,000 square feet per lot and all undisturbed areas outside of the 20,000 square foot grading envelope shall be designated as Natural Open Space on the plat.
17. Building heights shall not exceed 16 feet.
18. The following conditions shall be required in support of County Sustainability Initiatives:
  - A. Water harvesting techniques shall be employed using curb cuts and depressed planter islands, and directing roof runoff into landscaped areas and using swales and micro basins to collect stormwater to irrigate vegetation. As an alternative to using the former techniques, the water conservation techniques of the Pima County Green Building Program shall be used. In either case, the techniques shall be included in the water conservation plan required by Condition 89H.
  - B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources.
  - C. Each home shall be oriented with the broadest side toward the south, to the maximum extent possible.
19. Adherence to the preliminary development plan, as approved at public hearing.
20. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
21. 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.
22. The property owner shall execute and record 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(I)."
23. This rezoning is subject to the terms of the private agreement dated January 7, 2010 between the Sahuarita Corners Developer(s) and the Avis Acres Preservation Coalition. Sahuarita Corners Developer(s) and Avis Acres Preservation Coalition will be responsible for executing this agreement; Pima County will not be held responsible for any type of enforcement of this agreement.

Tom Hudson provided a brief report and stated the Board continued this item on February 9, 2010, to allow the applicant and Flood Control time to meet and work out unresolved issues. This meeting resulted in the provision of additional open space and several condition changes which were contained in staff's

memorandum dated March 24, 2010. Staff recommended approval with amended standard and special conditions.

The following individual addressed the Board:

Marigold Love, Moderator of the Avis Acres Preservation Coalition (AAPC)

Her comments were:

- A. If this land was not developed as a subdivision, it would result in 150 acres of wildcat development.
- B. The AAPC had come to an agreement with the developer, which had worked out a number of environmental issues, and they now supported the rezoning.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning with standard and special conditions as amended.

26. **DEVELOPMENT SERVICES: REZONING RESOLUTION**

RESOLUTION NO. 2010 - 72, Co9-07-06, Fidelity National Title TR 30226 - Camino Verde Rezoning. Owners: Fidelity National Title Agency, Inc., TR 30226. (District 3)

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2010-72.

27. **DEVELOPMENT SERVICES: STREET NAME CHANGE**

Present

Proposed

Unnamed Easement  
Co14-19-009  
(District 3)

Thirsty Acres Place

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias and unanimously carried by a 5-0 vote, to close the public hearing and approve the street name change.

It was moved by Supervisor Miller, seconded by ~~Supervisor Bronson~~ and unanimously carried by a 5-0 vote, to close the public hearing and approve ~~P19RZ00002~~, subject to standard and special conditions.

**30. Hearing - Rezoning Closure**

Co9-07-20, SAHUARITA CORNERS, L.P./EQUIVEST PARTNERS, L.P. - KOLB ROAD REZONING

Proposal to close a 129.7 acre portion of Co9-07-20, an original 149.7-acre rezoning from RH (Rural Homestead) to GR-1 (Rural Residential) located on the northwest corner of Sahuarita Road and Kolb Road. The rezoning was conditionally approved in 2010 and expired on April 6, 2015. Staff recommends CLOSURE. (District 4)

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation for closure on Co9-07-20.

**31. Hearing - Rezoning Resolution**

RESOLUTION NO. 2019 - 55, Co9-03-31, Backus - Old Spanish Trail Rezoning. Owner: Scott Strum. (District 4)

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

**HEALTH**

**32. Hearing - Code Text Amendment**

ORDINANCE NO. 2019 - 17, of the Board of Supervisors, relating to the regulation of tobacco retail sales and smoking, amending the Pima County Code by amending Chapters 8.04 and 8.50 and adding a new Chapter 8.52.

Rhonda Bodfield, Director, Communications and Government Relations, Tucson Medical Care (TMC), addressed the Board regarding the personal toll on families and patients that received devastating diagnoses due to smoking, how smoking drove up healthcare costs and how TMC participated in stakeholder meetings.

Ginny Chadwick, Western Regional Director, Preventing Tobacco Addiction Foundation, Tobacco21.Org, addressed the Board regarding the Tobacco 21 policy which stopped retailers from selling tobacco to kids and about the national Tobacco 21 bill that was passed in the Senate, but did not include local enforcement policies.

F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: K\_O  
DEPUTY RECORDER  
1861 PE-2

P0230  
PIMA CO CLERK OF THE BOARD  
PICKUP



DOCKET: 13880  
PAGE: 2736  
NO. OF PAGES: 11  
SEQUENCE: 20101640640  
08/25/2010  
ORDIN 18:00  
PICKUP  
AMOUNT PAID \$ 0.00

ORDINANCE 2010- 53

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 305-22-1000, 305-22-1030, 305-22-1050, 305-22-1060, 305-22-1070, 305-22-1080, 305-22-1200, 305-22-1210) OF 149.7 ACRES FROM RH (RURAL HOMESTEAD) TO GR-1 (RURAL RESIDENTIAL) IN CASE Co9-07-20 SAHUARITA CORNERS LP/EQUIVEST PROPERTIES LP - KOLB ROAD REZONING; ON PROPERTY LOCATED ON THE NORTHWEST CORNER OF SAHUARITA ROAD AND THE KOLB ROAD ALIGNMENT; AMENDING PIMA COUNTY ZONING MAP EPC.

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

**Section 1.** The approximate 149.7 acres, located on the northwest corner of Sahuarita Road and the Kolb Road alignment, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map EPC is hereby rezoned from RH (Rural Homestead) to GR-1 (Rural Residential).

**Section 2. Rezoning Conditions**

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required

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dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.

6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The property owner/developer shall dedicate 75 feet right-of-way for Sahuarita Road.
  - B. The property owner/developer shall dedicate 75 feet right-of-way for Kolb Road.
  - C. The property owner/developer shall dedicate an appropriate corner spandrel for the corner of Sahuarita/Kolb Road, as determined necessary by the Department of Transportation during plat review.
  - D. Pedestrian/bicycle access shall be provided from the proposed dead end streets to the collector and/or major roads. The Circulation Plan for which shall be approved by the Department of Transportation with the subdivision plat.
  - E. A pedestrian/bicycle trail compatible with the American's with Disabilities Act shall be provided along one side of the interior street network, as approved by the Department of Transportation.
  - F. The property owner/developer shall construct Kolb Road with a minimum of a curb/sidewalk on the west side, two vehicular travel lanes, and two bike lanes on the west half of the approved roadway cross section.
8. Environmental Quality conditions:
  - A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
  - B. As a condition of rezoning, the applicant shall demonstrate that the new lots, as proposed, can accommodate a home site and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.
  - C. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.

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9. Flood Control conditions:

- A. The Lee Moore Wash Basin Management Study FLO-2D Model shall be used for the Drainage Report, including encroachment analysis to be submitted with the plat.
- B. Constructed Fill Pads shall be designed to be parallel to flow, to adequately include all development (including on-lot detention/water harvesting and septic systems), and to provide adequate erosion protection. No other development, including perimeter walls and accessory structures, shall be allowed if they are not within the pad. Pads shall also be provided with all-weather access driveways. Conceptual grading and lot layout demonstrating compliance with this condition shall be shown on the Tentative Plat.
- C. Pad and driveway locations and minimum pad and finished floor elevations shall be provided on both the Tentative and Final Plats.
- D. A Permitting Note shall be placed on the Final Plat stating: "No development, including walls and accessory structures, is allowed outside of the Building Envelopes designated on this plat."
- E. Detention/Retention standards shall apply and a design for on-lot integrated detention and water harvesting systems, or alternative, including identifying the maintenance responsibility, shall be submitted with the drainage report at the time of platting. The volume required for each lot shall be provided on both the Tentative and Final Plats. For on-lot detention systems, a maintenance covenant shall be required from each lot owner prior to Final Inspections and this shall be a note on the plat.
- F. The lot yield shall be a maximum of 85 lots and the lot layout shall meet floodplain design criteria, including encroachment and detention criteria.
- G. The tentative and final plat must conform to all FPMO compliance criteria. During review and approval of the Drainage Study to be submitted with the tentative plat; the lot configuration, and the configuration and design of associated improvements, including those providing detention and all weather access, may change as necessary to meet FPMO criteria.
- H. The applicant shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
- I. Low Intensity Development (LID) water harvesting should be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.

- J. An updated letter of intent to serve from a water service provider shall be submitted as part of the platting approval process.

10. Wastewater Management condition:

The owner/developer must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

11. Cultural Resources conditions:

A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

B. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.

12. 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. Prior to issuance of the Certificate of Compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

13. The number of lots adjoining the northern and western site boundaries shall not exceed the number of lots shown on the Preliminary Development Plan approved

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at the public hearing in order to establish a reduced-density residential buffer area to create a transition between new residential development and the existing adjacent residential area.

14. 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
15. All saguaros 18 feet in height or greater or with arms six feet or greater in length shall remain in place.
16. Grading shall be limited to 20,000 square feet per lot and all undisturbed areas outside of the 20,000 square foot grading envelope shall be designated as Natural Open Space on the plat.
17. Building heights shall not exceed 16 feet.
18. The following conditions shall be required in support of County Sustainability Initiatives:
  - A. Water harvesting techniques shall be employed using curb cuts and depressed planter islands, and directing roof runoff into landscaped areas and using swales and micro basins to collect stormwater to irrigate vegetation. As an alternative to using the former techniques, the water conservation techniques of the Pima County Green Building Program shall be used. In either case, the techniques shall be included in the water conservation plan required by Condition 9H.
  - B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources.
  - C. Each home shall be oriented with the broadest side toward the south, to the maximum extent possible.
19. Adherence to the preliminary development plan (EXHIBIT B), as approved at public hearing.
20. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.

1-10008 2014-10

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21. 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.
22. The property owner shall execute and record 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)."
23. This rezoning is subject to the terms of the private agreement dated January 7, 2010 between the Sahuarita Corners Developer(s) and the Avis Acres Preservation Coalition (EXHIBIT C). Sahuarita Corners Developer(s) and Avis Acres Preservation Coalition will be responsible for executing this agreement; Pima County will not be held responsible for any type of enforcement of this agreement.

**Section 3. Time limits, extensions and amendments of conditions.**

1. Conditions 1 through 23 shall be completed by April 6, 2015.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 23 are satisfied and the Planning Official issues a Certificate of Compliance.
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.

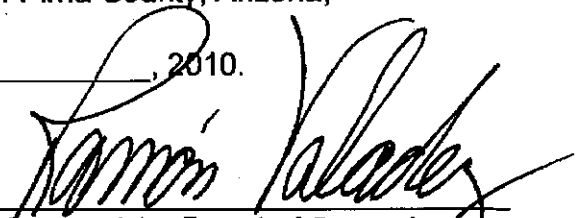
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**Section 4.** The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

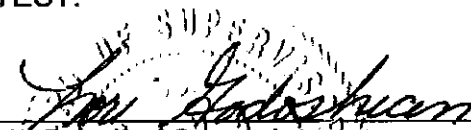
Passed and adopted by the Board of Supervisors of Pima County, Arizona,

this 16th day of August, 2010.

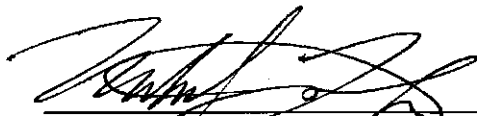
  
Chairman of the Board of Supervisors

AUG 16 2010

ATTEST:

  
Clerk, Board of Supervisors

APPROVED AS TO FORM:

  
Deputy County Attorney

  
Executive Secretary,  
Planning and Zoning Commission

1-170005 2010-08-16

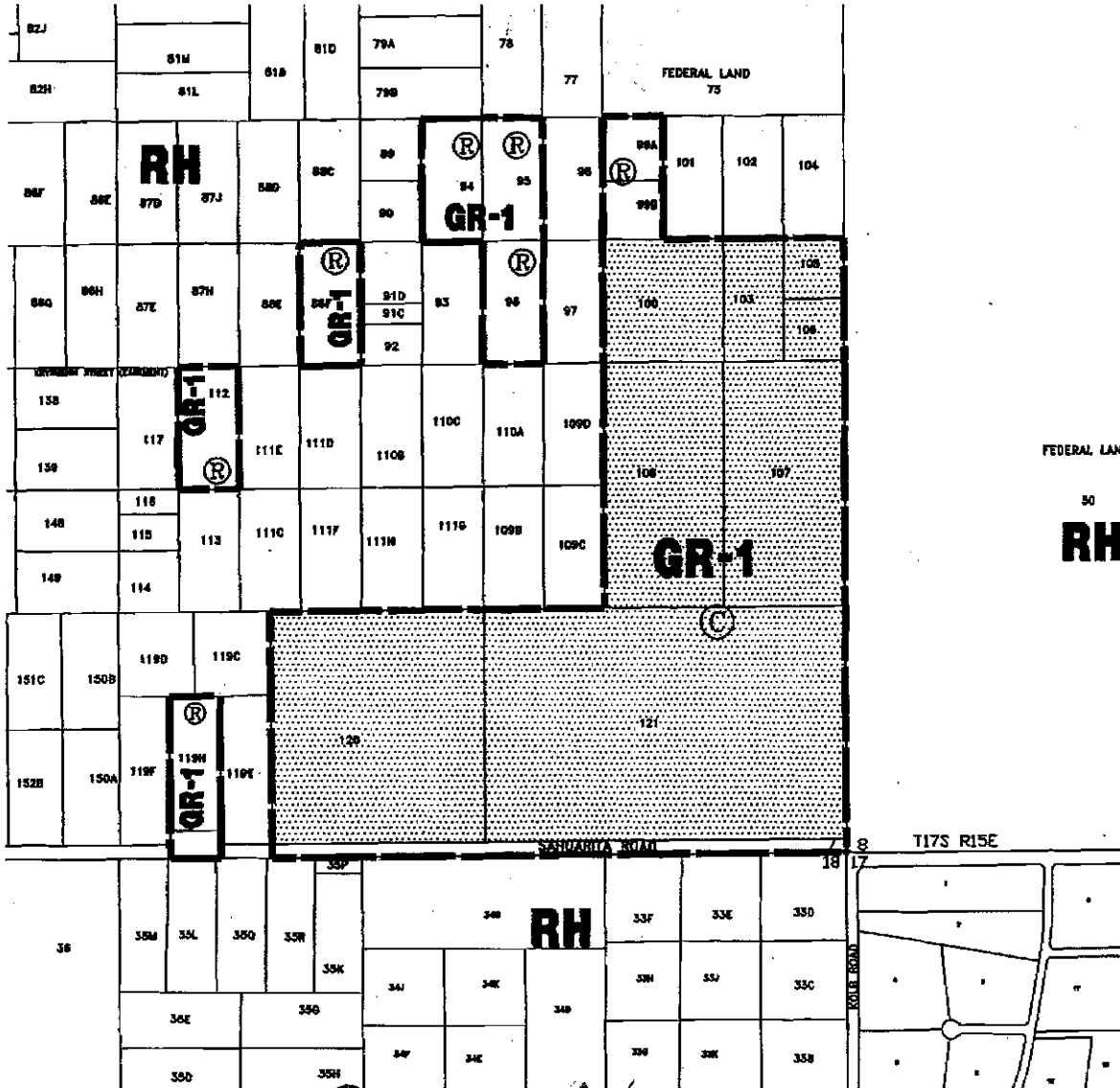
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# EXHIBIT A

AMENDMENT NO. 133 BY ORDINANCE NO. 2010-53  
 TO PIMA COUNTY ZONING MAP NO. EPC TUCSON, AZ.  
 PARCELS 100, 103, 105, 106, 107, 108, 120 & 121 BEING A PORTION  
 OF THE E 1/2 AND SE 1/4 OF THE SW 1/4 OF SEC. 7, T17S R15E.



ADOPTED August 16, 2010 EFFECTIVE August 16, 2010



*[Handwritten Signature]*

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM RH 149.7 ac±  
 ds-JUNE 17, 2010

CD9-07-020  
 CD7-06-17  
 305-22-1000, 1030, 1050,  
 1060, 1070, 1080, 1200 & 1210

h46



# EXHIBIT C

January 7, 2010

Avis Acres Preservation Coalition  
Sahuarita, Arizona

Subject: **Neighborhood Agreement**  
Sahuarita Corners Rezoning, Co9-07-20

Avis Acres Preservation Coalition:

This Neighborhood Agreement is written in response to requests from the property owners of Avis Acres Preservation Coalition (AAPC) regarding the 150-acre Sahuarita Corners Rezoning, Co9-07-20. AAPC has agreed to support the Sahuarita Corner Rezoning on the condition that the rezoning be made subject to the following agreements necessary to insure that the development will be compatible with surrounding land uses. This Neighborhood Agreement shall be recorded with the land as additional conditions on this Property. The developer, subject to rezoning approval by the Pima County Board of Supervisors, is agreeing to the following stipulations.

1. **Water-** a water service provider shall serve the site. The well shall be 1200 feet or deeper given there is water supply at that ground level. The applicant shall also submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures.
2. **Construction Hours-** operation of heavy equipment shall be conducted between the hours of 8 AM and 6 PM.
3. **Hillock and Langley-** 20-foot wide minimum road application of chip seal paving or other acceptable alternative with any "acceptable alternative" being longer lasting and more durable will be applied to improvements to:
  - Hillock Street from Langley Avenue to Mann Avenue
  - Langley Avenue from Sahuarita Road to Noyes Street
  - Asphalt and concrete cutoff walls shall be placed in all washes that cross the above roadways
  - The developer shall maintain the above roadways for a minimum of 5 years
  - The road construction will begin on Hillock and Langley (south of Hillock) after completion of the first 20 lots south of Hillock Street. The construction on Langley (north of Hillock) will begin after completion of the first lot north of Hillock
  - Existing speed humps on Langley Avenue shall remain.
  - All road work is subject to Pima County approval
4. **Existing Wells-** All existing wells located on the Equivest or Sahuarita Corners Property shall be temporarily capped or abandoned and sealed according to Arizona Department of Water Resources (ADWR) requirements within 6 months of rezoning approval. Any contaminated wells will be cleaned out in accordance with ADWR requirements within 6 months of rezoning approval.
5. **Drainage Study-** Tracy Bogardus of Bogardus Engineering shall conduct the hydrology/drainage plan for the subdivision given he is still in operation at the time.
6. **Utilities-** All utilities shall be located underground.

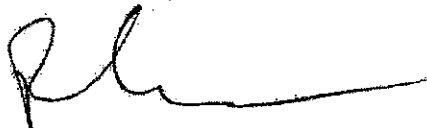
January 7, 2010

Avis Acres Preservation Coalition

Sahuarita Corners, Co9-07-20

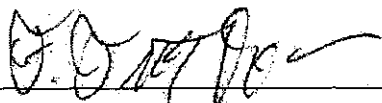
Page 2

7. **Water Harvesting-** Water harvesting techniques shall be employed using curb cuts, depressed planter islands and directing roof runoff into landscaped areas using swales and micro basins to collect stormwater to irrigate vegetation.
8. **Buffelgrass** -buffelgrass removal shall commence at the earliest effective date.
9. **Wildcat Dumping-** No dumping signs shall be posted at the frequently used wildcat dump site at the southwest corner of Kolb and Hillock, the intersection of Sahuarita and Kolb, Langley and Mann, and trash cleanup as needed when at least a pickup truck load of large-dumped items or landscape trash has accumulated on the subject property.
10. **Subdivision Plat-** copies of detailed tentative plat and final plat plans shall be provided to AAPC as they are submitted to Pima County.
11. **Construction Vehicles-** No construction vehicles shall use the Avis Acres roadways outside of the rezoning property.
12. **Grading-** all lots will be limited to a 20,000-square foot building pad.
13. **Bufferyards-** viable native vegetation to be transplanted on site shall be moved to the north and west perimeters within the landscape bufferyards
14. **Building Heights-** are limited to one-story and 16 feet in height.
15. **Setbacks-** a minimum 50-foot building setback will be applied to the northern and western boundaries.
16. **Screening Walls-** there will be no block walls on the perimeter of the property.

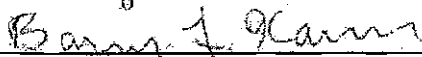


Philip Amos

On behalf of Sahuarita Corners Property



Marigold A. Lane



On behalf of Avis Acres Preservation Coalition

Mr. Seth Hoyte  
6949 E. Calle Orion  
Tucson, AZ 85710  
Phone #520-971-2944  
Email Address: [racingislife06@yahoo.com](mailto:racingislife06@yahoo.com)

December 1, 2021

Ms. Donna Spicola  
Pima County Planning Division  
201 North Stone Ave. 1<sup>st</sup> floor  
Tucson, Arizona 85701  
Phone: 724-9513  
Email: [donna.spicola@pima.gov](mailto:donna.spicola@pima.gov)

Re: Closure request letter for rezoning case Ordinance 2010-53 affecting the approximate 20 acres in tax code parcels 305-22-1000, 305-22-1030, 305-22-1050, and 305-22-1060 in the SE % of Parcel 7 of AVIS ACRES, according to the Record of Survey recorded in Book 2 of Surveys at Page 9

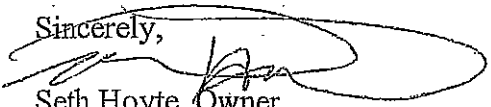
Dear Ms. Spicola:

Please accept this letter as my request to close the current GR -1 Rezoning case (Co9-07-20) in Ordinance 2010-53 that affects my 20 acres described above (Closure Property).

This application includes my authorization letter for Kale Investment Company, LLC, Craig Courtney as Manager, located at 5151 North Oracle Rd., Suite 210, Tucson, AZ. 85704 to request and sign all necessary documentation on my behalf, as if it came directly from me, in order to initiate and complete this rezoning closure. It also authorizes him to meet with and discuss all aspects of my request with the Pima County Staff and the Pima County Board of Supervisors, and any other interested parties.

Thank you for your cooperation in this matter.

Sincerely,

  
Seth Hoyte, Owner

Mr. Seth Hoyte  
6949 E. Calle Orion,  
Tucson, AZ 85710

December 1, 2021

Ms. Donna Spicola, Planner  
Pima County Planning Division  
201 North Stone Ave. 1<sup>st</sup> floor  
Tucson, Arizona 85701  
Phone: 724-9513/Email: [donna.spicola@pima.gov](mailto:donna.spicola@pima.gov)

Re: letter of authorization for Kale Investment Company, LLC to represent the owner in requesting a closure of the GR-I rezoning case -Ordinance 2010-53 affecting my 20 ACS.

Dear Ms. Spicola:

I hereby certify that I am the sole owner of the 20 acres in the SE  $\frac{1}{4}$  of Parcel 7 of AVIS ACRES, according to the Record of Survey recorded in Book 2 of Surveys at Page 9: Tax Code\*Parcels 305-22-1000, 305-22-1030, 305-22-1050, & 305-22-1060 (Closure Property). This Property is located at the NW corner of S. Kolb Rd. and Klysham St. in Pima County, Az.


Kale Investment Company, LLC, located at 5151 North Oracle Rd., Suite 210, Tucson, AZ 85704 is my authorized agent to request and sign all necessary documentation on my behalf, as if it came directly from me, in order to initiate and complete a closure of this GR-I rezoning case in Co9-07-20 and recorded in Ordinance 2010-53.

This authorization shall include, but not be limited to, Kale Investment Company being authorized on my behalf to initiate this closure and meet with and discuss all aspects of it with the Pima County Staff, the Pima County Board of Supervisors, and any other interested parties.

The persons representing Kale Investment Company will be Craig R. Courtney and he can be contacted at 520-247-3306.

If you have any questions regarding this matter, please contact Mr. Courtney.  
Thank you for your cooperation in this matter.

Sincerely,

  
Seth Hoyte, Owner